The Nation.
May 24, 1980 $1

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EDITORIAL

MOBIL TAKES THE FIRST

A few years ago, CBS and ABC rejected as too controversially political a Mobil commercial on the energy vs. environment issue. Whether broadcasters should have the power to limit the content of commercials in this way is a divisive issue among civil libertarians, but it has been resolved on the side of the broadcasters by the U.S. Supreme Court. The Court's decision wasn't mentioned, however, in an Op-Ed page ad Mobil placed in *The New York Times* attacking CBS and ABC, quoting the words of the First Amendment and asserting unqualifiedly that: "Any restraint on free discussion is dangerous. Any policy that restricts the flow of information or ideas is potentially harmful."

As is now plain, if it was not previously, Mobil never meant what it said in that advertisement. In its statement about *Death of a Princess*, the *cause célèbre* Public Broadcasting Service program which has—rightly or wrongly—offended Saudi Arabia, Mobil abandoned its pretense to favor free trade in ideas without "any restraint." Mobil wants restraint, because, as the company now informs us, the press has an "obligation . . . to be responsible." How are we to know what is responsible? Mobil has an answer: the Public Broadcasting Service should "review its decision to run this film, and exercise responsible judgment in the light of what is in the best interest of the United States." Of course, what this really means is that PBS should exercise "responsible" judgment in the light of what is in the best interest of Mobil. And, while a free market economy may be in Mobil's best interest, a free market in ideas is not.

Mobil, in the guise of TV critic, also charged that the film "blurs the distinction between fact and fiction." Judging from Mobil's Op-Ed page ads, we must question their ability to know the difference.

HUMANITARIAN INTERVENTION
Michael Reisman
Joseph H. Crown &
John H. E. Fried

MURDOCH AND THE POST
Edwin Diamond

THE C.I.A. AS CENSOR
Aryeh Neier

PROPOSITION 9
Hal Rubin

PROPOSITION 10
Mitchell Kahn

HARRISON SALISBURY'S TIMES
Richard Pollak

PROMISES, PROMISES

CARTER AND WOMEN: THE RECORD

MIM KELBER

When Jimmy Carter was wooing women's support for his 1976 campaign, he said he wanted to be known as the President who had achieved equal rights for women, just as Lyndon Johnson had won civil rights legislation for blacks. Ratification of the Equal Rights Amendment would be one of his top priorities, he assured them. Taking him at his word and mindful that the alternative was Gerald Ford, many feminists supported and actively campaigned for Carter.

Four years later, with E.R.A. no closer to ratification than when he took office, feminists are openly angry at Carter, and are letting it be known that even should the race reduce itself to a Carter-Reagan contest, this time they will not go for the "lesser evil" voting rationale. Carter's support among women leaders has been reduced largely to Democratic Party regulars and careerists, dragooned Administration women appointees and women officials dependent on Federal grant money for their localities or special programs.

The split with Carter came out into the open last December, when an executive board meeting of the National Organization for Women (NOW), the nation's leading feminist group, voted to oppose Carter's re-election, through the November election if necessary. The NOW leaders charged that the President's record "consisted more of illusion than reality, more of lip service than performance," and said they intended to hold him accountable.

"For too many years, candidates have pledged support for women's rights, but action after elections has been sadly lacking," says NOW

(Continued on Page 624)

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LETTERS.

BUCKLEY READ IT

New York City

Believe it or not, I managed to get through the whole of Sigmund Diamond's article "God and the F.B.I. at Yale" [*The Nation*, April 12], the principal point of which is, I think, its pointlessness. But Diamond seems to be making two points in a reproachful tone of voice. The first is: "Ha! We have caught Mr. Buckley out! As a junior at Yale, in a letter to the president of *The Harvard Crimson*, he sent a blind copy to a friend of his at the F.B.I.! Ha!" Comment: I send blind copies of letters I write half the time, usually to friends who I suspect would be interested. Mr. L. B. Nichols of the F.B.I., at the time I wrote to *The Crimson*, had become my friend. Indeed, he was my friend over the subsequent twenty-nine years, until his death.

The second point is that perhaps I "should consider apologizing" to Prof. Fred Rodell of the Yale Law School because Nichols said to Rodell that it was not true that the F.B.I. maintained files on Congressmen; whereas we now know (since 1975) that the F.B.I. did keep files on Congressmen. My comment: (*1*) The record does not reveal that Nichols knew he was lying when he made his denial—J. Edgar Hoover's file might have been kept confidential from Nichols. (*2*) In any event, I feel no obligation to apologize for other people's lies. And finally, (*3*) I don't see any reason for not keeping files on Congressmen if they are suspected of illegal activity. It is presumably such files that led to the current Abscam investigations. The Constitution does not, except in specified ways, confer immunity on members of Congress.

And permit me to remark the exquisite irony of an editorial juxtaposition. The article about me, if you can find the gravamen, has to do with the heinousness of keeping records in colleges of faculty members who may have trafficked in pro-Communist activity. The very next article (Richard J. Walton, "The Laundering of McGeorge Bundy") seems to deplore those modern universities that fail to keep track, before carelessly hiring them, of faculty members who are suspected of trafficking in anti-Communist activity.

William F. Buckley Jr.

COMMON ERROR

Madison, Wis.

While I generally admire your Films column by Robert Hatch, he has made an error in his March 22 review of *The War at Home* that has been repeated often enough to have become "common knowledge." Thus, it should be corrected. The people who participated in the 1970 bombing at the University of Wisconsin Madison campus did not bomb the Army Math Research Center. While the former was apparently their intent, it was the physics department that was damaged and a physics researcher (Robert Fassnacht) who was killed.

Although I hated and fought against the Vietnam War, and although I deplored Ed Young's behavior at the time (he, then the chancellor of the university, testified in a Canadian court that the bombing was not a political act), I can't condone the bombing, and I am appalled that the perpetrators hit the wrong target.

Cliff Wuosmaa

SECONDING SIGAL

Stony Brook, N.Y.

I should like to second Clancy Sigal's article on libel suit threats as a means of repressing free speech in Britain ["The British Way of Libel," *The Nation*, March 1] as based on my own personal experience.

About seven years ago I published an account in the United States of a tour of some twenty cities—mostly in the Deep South—during which I accompanied the Rolling Stones, Truman Capote, Lee Radziwill, etc. . . .

The book was well received here, with some exceptions, and generously excerpted in magazines. When it came time to offer up a British edition—where it would have done even better—my English agent forwarded mail from a prominent English publisher to the effect that he had been informed by the Rolling Stones that they were prepared to sue if a British edition appeared. My English agents subsequently withdrew their submission, as such a letter had been circulated generally throughout the trade.

Most of the allegations I made in that piece of reportage, based on personal observation, eavesdropping and interviewing, have subsequently been printed in very recent times, here and in England, about the Stones' association with a heavy drug scene, about their temper tantrums and domestic oddities. But for seven years they were able to censor what was written about them in England, to manipulate public opinion accordingly, because they were well-to-do and could threaten libel, and no English publisher was willing to take on the risk of such a suit (once they had served notice) against such overwhelming resources as they and their associates were able to muster.

Needless to say, I have never been sued in the States for printing what I did then. Nor have others who did so. But I have been cautioned by one prominent magazine editor, in a different matter, that even though he knew everything I was alleging was true, and in the public interest, he could not print it because his magazine lacked "libel insurance."

Richard Elman

EMPHASIZING TWO FACTS

New York City

Alan Wolfe in his article "The ABM—The End of Deterrence" [*The Nation*, April 12] fails to emphasize two facts. First, the Soviet missiles are aimed at our missiles, not our cities, so the U.S.S.R. has already adopted a counterforce strategy and ended the deterrence doctrine. Two, radar signals can be ambiguous. So we are now in the frightening position of having to fire our ABMs to avoid their possibly being destroyed by Soviet missiles, even if we are not absolutely certain the Russians have fired theirs.

Robert W. Wilson

WOLFE REPLIES

New York City

Robert Wilson implies that blame for the breakdown of deterrence belongs with the Russians, for they adopted a counterforce strategy first. Actually, these things happen by signals and gestures—the United States takes actions to which the Russians respond and vice versa. Because of the second point he raises, the United States has adopted a policy to not respond on warning, but to absorb a first hit (the "sponge" theory). Yet one can never know what would actually happen in a nuclear war, and I am afraid that Wilson might be correct.

Alan Wolfe

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The Nation (ISSN 0027-8378) is published weekly (except for the first week in January, and biweekly in July and August) by Nation Enterprises and © 1980 in the U.S.A. by the Nation Associates, Inc., 72 Fifth Avenue, New York, N.Y. 10011. Tel.: 212-242-8400. Second-class postage paid at New York, N.Y., and at additional mailing offices. International Telex: 667 155 NATION.

Regular Subscription Price: One year, $25; two years, $45; six months, $14. Student rate, $17 a year. Add $5 per year postage for Canada and Mexico; $7 other foreign. All foreign subscriptions must be paid in equivalent U.S. funds. **Please allow 5-7 weeks for all subscription transactions.**

EDITORIALS.

Muskie Diplomacy

President Carter's shameful treatment of his first Secretary of State should make the rest of his Cabinet hope that they won't have him around much longer to kick them around. But they should not be surprised. It is a dangerous characteristic of modern Presidents to treat members of their Cabinets as no more than troublesome bureaucratic flunkies.

Carter, whose loyalty to cronies (Lance, Jordan, Bell, Powell, et al.) is well known, clearly has no use for an executive with any trace of independence, however discreetly expressed. And, in Philadelphia, in his first post-Rose Garden appearance, he was outrageous when he was not comical in his comments on the switch to Muskie from Vance.

The line is so awful that it is worth reciting: "I see Ed Muskie," said Carter, "as being a much stronger and more statesmanlike senior citizen [*sic*] figure who will be a more evocative spokesman for our nation's policy, not nearly so bogged down in the details of administration . . . in the details of protocol. . . ."

Just about everything is wrong with that formulation, even apart from its snideness about Cyrus Vance (who was "deftly sideswiped," wrote *The Washington Post* reporter after observing the clumsy steamroller of Carter's rhetoric flattening the departed, and necessarily speechless, Vance.

If Muskie is to be "stronger" than Vance, it will be because he will have the force of the Senate and of his own stature behind him and because he will stand up to Carter on policy and ignore or crush the foolish Zbigniew Brzezinski. If the new Secretary of State is "statesmanlike," it will be because he uses his political leverage to uproot most of this

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season's growth of policies. If he can manage to be "evocative" of anything valuable in foreign affairs, it will be because he virtually supplants the President in the formulation and direction of our relations with the world.

Secretary Muskie is in a unique position of power, as he surely understands. President-Candidate Carter could not possibly afford to lose a second Secretary of State—not before November. Muskie, if he would, can take almost any foreign policy initiative he favors and quash almost any currently in process. Carter's re-election prospects now depend more on the appearance of domestic harmony, on the illusion of his ability to govern, than on the success of any particular policy in Iran, in Afghanistan, in the Middle East or anywhere else.

It is not too much to say that "senior citizen" Muskie can unchallengeably assume, until November, the whole direction of the United States' foreign relations. To give just one example, he could probably make Carter eat his temporizing words on SALT II, put it back on the front burner and persuade the Senate to ratify a treaty that is to this country's strategic advantage. He could make the Pentagon shut up about geopolitical affairs and mind its own business and, along the way, he could absolutely muzzle the absurd Brzezinski and his National Security bureaucracy.

In a word, he could put the Department of State back in business and make it deal sensibly and deliberately with serious affairs of state. That would check this nervously reactive President. It would also check the drift toward war.

Muskie could do it. The question is, will he? He must be persuaded that he could.

Less Is More

The long-awaited foreign intelligence charter that came in like a lion in February has now been reported out of the Senate Intelligence Committee like a lamb, its original 172 pages reduced to three, its carte blanche grant of authority to the intelligence agencies reduced to one provision repealing the Hughes-Ryan amendment but establishing even more substantial Congressional oversight of intelligence activities. Although we retain our skepticism about any new intelligence legislation in this session, given the prevailing pro-Central Intelligence Agency climate, the committee's proposal has an attractive leanness.

The new svelte version of S. 2284, now known as the Intelligence Oversight Act of 1980, would write into law for the first time the right of the two intelligence committees to be kept "fully and currently informed of all intelligence activities . . . including any significant anticipated intelligence activity." In "extraordinary circumstances," the President could limit prior notice to the chairmen and ranking minority members of the two intelligence committees, the Speaker and minority leader of the House and the majority and minority leaders of the Senate. In addition, the agencies are required to "furnish any information or material" requested by either committee and to report "in a timely fashion" any illegal intelligence activities or significant intelligence failures.

The above requirements apply only "to the extent consistent with all applicable authorities and duties, including those conferred by the Constitution, upon the executive and legislative branches of the Government, and to the extent consistent with due regard for the protection" of classified information or information about sources and methods. In what the Senate committee states must be "rare exceptional cases" where the President exercises "what he asserts as his constitutional authority" and withholds prior notice, he then is obliged to inform the oversight committees "in a timely fashion" of the activity and his reasons for withholding prior notice.

This language acknowledges that the President will claim constitutional powers in the national-security area—Nixon called it "inherent authority"—and this very recognition may add some degree of legitimacy to such claims in the future. In fact, some may regard this concession, which was necessary to secure the Administration's support, as not merely a loophole but a noose that strangles the law. It is important to note, however, that the committee stated that it did not intend "to *expand* or to *contract* or to *define* whatever may be the applicable authorities and duties," thus leaving the resolution of any conflicts over the President's power to the politics of the future and to the courts, which will find a relevant precedent in a recent decision. What Justice Powell wrote of the Omnibus Crime Control Act's language in 1972 applies here as well: "Congress simply left Presidential powers where it found them."

S. 2284 thus puts into law the current reporting practices of this Administration and the current ambiguity concerning the constitutional power of the President. Given the President's failure to abide by the War Powers Resolution in the recent rescue attempt [see "Statutory Rape," *The Nation*, May 10], that is not encouraging, but at least this act would make things no worse. S. 2284 is not the charter we desired, but neither is it the catastrophe we feared.

EXCHANGE: THE RESCUE MISSION

Humanitarian Intervention

MICHAEL REISMAN

Until full details of the abortive attempt to rescue U.S. hostages in Teheran become available, disturbing questions about tactical feasibility, international political wisdom and constitutional propriety will have to wait. But the question of international legality must not be deferred. Some Third World states have already raised it, confirming old prejudices and sowing new doubts. And the U.S.S.R. is sure to use the legal issue as a way of discrediting the United States, diverting attention

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from the aggression in Afghanistan and perhaps laying the basis for its own entry into Iran, for purposes more permanent than quick extrication of illegally detained diplomats.

International law prohibits, in the words of the United Nations Charter, "the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations." This principle of nonintervention is so important that it can even override an agreement purporting to allow one state to intervene at will in the territory of another. In 1921, for example, the new Soviet Government secured, by treaty, a right of intervention in Iranian territory, on contingencies to be determined *exclusively* by Moscow. That treaty right was unquestionably overridden by the adoption of the U.N. Charter in 1945; in 1979, Iranian authorities quite properly denounced the intervention provisions. Ominously, the Soviet Union has not acknowledged the termination.

But the principle of nonintervention has exceptions: one of the most venerable is "humanitarian intervention." Where gross violations of human rights take place in one state, another state may physically intervene for the limited purpose of saving people. The lawfulness of the intervention will depend on the urgency of the case, the absence of feasible alternatives for helping the victims and the proportionality of the coercion used and damage caused to the objective of the operation. The Israeli raid at Entebbe was a lawful humanitarian intervention, as was the international intervention in 1964 to save European hostages from Christophe Gbenze's Congolese irregulars. In addition, the doctrine of diplomatic protection of nationals permits a state to intervene in extreme circumstances to save its own nationals. The rescue effort was not a reprisal, but that doctrine would also have authorized the use of military force in response to the unlawful seizure of diplomats.

At the core of all these doctrines lies the principle that serious violations of minimum order permit a victim with no other recourse to undertake unilateral remedial actions that might otherwise be unlawful. Ironically, despite its protest of the U.S. intervention, this is a principle the Iranian Revolutionary Government itself champions, though the validity of its interpretation is open to question. Both the Foreign Minister and a cleric in the Revolutionary Council have asserted that Iran may and will send commandos abroad to seize (in some versions to execute) the former Shah. In Paris, a nephew of the Shah was assassinated, apparently by Iranian operatives. The Iranian Government has been curiously oblivious to the contradiction between demanding privileges for itself that it denies to others. When terrorists claiming to be dissidents from the oil region of Khuzistan seized the Iranian Embassy in London and took diplomatic personnel hostage in late April, both President Abolhassan Bani-Sadr and Foreign Minister Sadegh Ghotbzadeh, as if reading Hodding Carter's all-too-familiar lines, denounced the action as a violation of international law. They even insisted that Britain, as the host Government, was responsible for securing the hostages' release! However the Iranians rationalize their double standard, responses such as these confirm the very norms that are the basis for the lawfulness of the U.S. action.

Plainly, humanitarian intervention and diplomatic protection are susceptible to abuse by larger states. More than a few interventions, self-characterized as humanitarian, have generally and correctly been deemed unlawful. Our own humanitarian intervention in the Dominican Republic in 1965 is, to say the least, controversial. But it is virtually impossible on the evidence now available to say that the U.S. effort in Iran was aimed at anything other than securing the release of illegally detained U.S. diplomats, after moderate means had failed.

On December 15, 1979, the International Court ordered Iran to release the hostages immediately. It also admonished both states not to "take any action and . . . [to] ensure that no action is taken which may aggravate the tension between the two countries or render the dispute more difficult of solution." Americans interpreted this as prohibiting the trial of the detained diplomats. Europeans, fearful of escalation and expansion of the conflict, viewed it as also prohibiting the United States from any forceful acts against Iran. If Iran had complied with the Court's "interim measures" and released the hostages, any U.S. action would plainly have been unlawful. Since Iran ignored the directive, Washington, after waiting a reasonable interval to see if compliance would be forthcoming, was probably entitled to undertake self-help measures.

Whether the United States justifies its action as humanitarian intervention, diplomatic protection of its nationals or as forcible self-help, the case for the lawfulness, apart from the wisdom, of the attempt is quite compelling. The seizure of hostages had been universally condemned, and efforts at peacefully ending their detention appeared exhausted; the operation finally mounted was, as far as is known, limited in object and scope to hostage release. The tragedy of the Teheran hostages and, in a larger sense, of the Iranian revolution, will be compounded once again if the legal grounds for the abortive effort are obscured and it is exploited by the Soviet Union to further its aggressions in Central Asia.

Michael Reisman, professor of law at Yale Law School, is the author of Folded Lies: Bribery, Crusades and Reform *(Free Press, 1979) and other books.*

REJOINDER

A Legal Disaster

JOSEPH H. CROWN
and JOHN H. E. FRIED

Prof. Michael Reisman correctly observes that the question of international legality must not be deferred. Threats of *further* military action have been made by President Carter. Reisman invokes the doctrine of humanitarian intervention to justify the American operation. The criteria governing humanitarian

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intervention are broadly set out in the prestigious treatise *International Law*, by L. Oppenheimer and H. Lauterpacht, as follows: "there is a substantial body of opinion and of practice in support of the view . . . that when a State renders itself guilty of cruelties against and persecution of *its nationals* in such a way as to deny their fundamental human rights and to shock the conscience of mankind, intervention in the interest of humanity is legally permissible." (Italics added.) The aborted rescue operation hardly meets these criteria because it was not directed toward preventing mass cruelties by the Government of Iran against its own people.

There exist two recent cases of governments committing outrages against their own people that were so shocking that the international community may be said to have sanctioned the doctrine of humanitarian intervention: (*1*) India's intervention in the Pakistani-Bangladesh conflict in response to West Pakistan's reign of terror, which resulted in the massacre of vast numbers of Bangladeshi and (*2*) Tanzania's intervention in Uganda in support of guerrillas fighting against the utterly cruel regime of Idi Amin. International public opinion was broadly approving.

In strange contrast, Vietnam's role vis-à-vis Cambodia has been criticized, although the monstrous genocidal program of the Pol Pot Government far exceeded the dimensions of the outrages of the Pakistani Government and the Amin regime. This contrast in attitudes is attributed to the fact that Vietnam was an ally of the Soviet Union, while India and Tanzania did not bear that onus. Reason, logic, consistency—all vanish before the magnetic force of superpower antagonisms.

Apart from Reisman's misconception of the doctrine of humanitarian intervention, his justification of the American operation fails when measured against his own criteria for determining the lawfulness of an intervention. The "urgency of the case" was lacking since the hostages' good health was very recently attested to by Red Cross and other impartial visitors; in the *Pueblo* case, the U.S. crew was held captive by North Korea for almost a year; the American diplomats of the United States Consulate in Mukden, China, seized in 1948 by Chinese Communists, were held prisoner for more than a year. The Iranian rescue mission did not even await the results of the North Atlantic Treaty Organization's commitment to economic sanctions.

Nor is it accurate to say there was an "absence of feasible alternatives." Negotiation and conciliation have hardly been exhausted (cf. Bogotá). A U.S. pledge of nonintervention in Iranian affairs and an acknowledgment of our role in the 1953 coup reinstating the Shah to power and afterward could lead to a solution; the return of the United Nations Commission of Inquiry to Teheran, which, according to Secretary General Kurt Waldheim, was a distinct possibility before the raid, could have yielded a break.

Reisman cautiously contends that Washington was "probably entitled to undertake self-help measures" in view of Iran's noncompliance with the International Court's "interim measures." But that noncompliance did not justify, without U.N. Security Council authorization, Washington's violation of the Court's admonition that both states not "take any action and . . . ensure that no action is taken which may aggravate the tension between the two countries or render the dispute more difficult of solution." Having submitted to the Court's jurisdiction, and the matter being sub judice (a final judgment settling the indemnification Iran must pay has not yet been rendered), the United States relinquished any military option (which it did not possess in the first place). Very importantly, the U.N. Charter authorizes appeal to the Security Council "if any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court"; and if the Security Council failed to act, recourse to the General Assembly is available.

In the celebrated *Corfu Channel* case (1949), the International Court declared illegal a mine-sweeping intervention by the British Navy in the territorial waters of Albania after mines, emplaced there by Albania in violation of international law, had killed forty-seven British seamen and severely damaged two British destroyers. If that type of "reprisal," which did not endanger any lives or property of the other side, is illegal, how justify our Iranian operation? That operation, with Vietnam-type interdiction bombing in the background, had it not been aborted, risked unfathomable ramifications and potential casualties.

Finally, the tenuous character of Professor Reisman's thesis is accented by the fact that President Carter's report to Congress under the War Powers Resolution, in searching for legal justification of the mission, ignored the humanitarian-intervention thesis (because of its transparent invalidity?), but asserted: "In carrying out this operation the United States was acting wholly within its rights, in accordance with Article 51 of the United Nations Charter, to protect and rescue its citizens. . . ." But every freshman in international law knows that Article 51 authorizes the right to self-defense only if an "armed attack" against a state has occurred. By no stretch of interpretation may the United States unilaterally determine that the seizure and detention of the hostages—illegal as it is—constituted an "armed attack."

While Reisman strives valiantly to legitimize the misadventure, it would indeed be ironic for the Carter Administration to invoke the doctrine of humanitarian intervention in light of its persistent condemnation of Vietnam's action in Cambodia, although it saved uncountable lives.

Efforts to justify the unjustifiable are particularly pernicious when there is so much thinking about the unthinkable.

Joseph H. Crown is chairman of the Lawyers Committee on American Policy Toward Vietnam. John H. E. Fried is professor emeritus of political science at the City University of New York and former special legal consultant to the U.S. War Crimes Tribunals at Nuremberg.

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ARTICLES.

MURDOCH AND *THE POST*

Low Road To Oblivion

EDWIN DIAMOND

Three and a half years have elapsed since Rupert Murdoch barged into the New York newspaper world and began testing his theory that a London-style mass newspaper could be a whopping financial success in the United States. Since December 1976, when Murdoch purchased *The New York Post* from Dorothy Schiff, he has staked at least $50 million on his gamble. (He paid $30 million for the paper and has lost several millions since—$6.3 million in 1979 and $3.5 million in the first six months of the 1980 fiscal year.) Now *The Post*'s prospects look conspicuously gloomy.

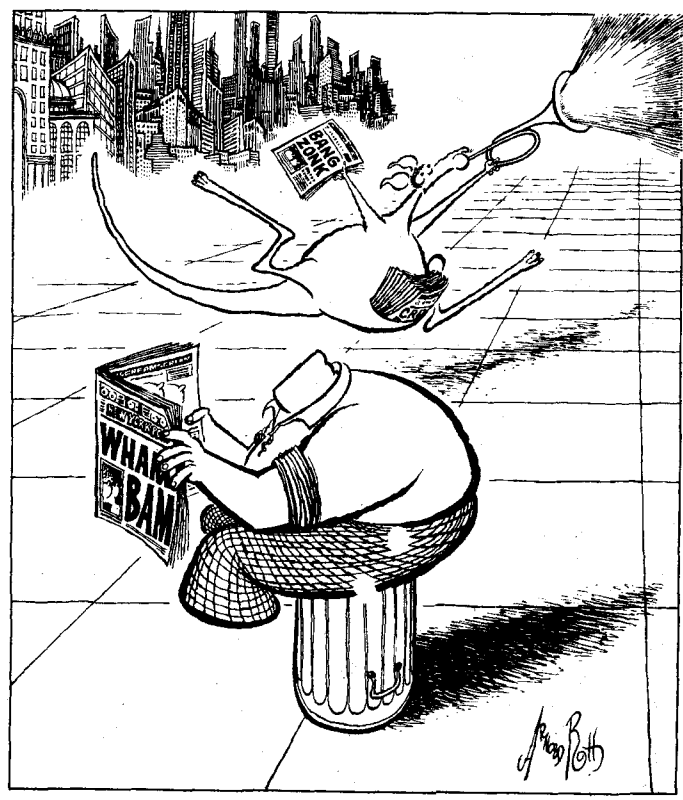
Murdoch's approach was characterized by the British journalist Anthony Smith ("Press Lord of Mass Ignorance," *The Nation*, November 18, 1978) as "an unceasing flow of titillation, sensation, voyeuristic excitement," devoid of information, aimed at a depoliticized mass readership and untrammeled by the conventional standards of taste imposed by advertisers aiming at an educated middle-class audience. Murdoch's secret, pretested in papers like his *London Sun*, might be called the Four "S" Formula—scare headlines, sex, scandal and sensation, plus a fifth "S," Studio 54 Now People. As the Murdoch team liked to say in meetings with its American advertising agency, "You've got to hit 'em [the readers] hard, mates, hard."

Hitting 'em hard has meant featuring stories about a husband who bit off his wife's nose in a family argument, huge headlines such as the one proclaiming CHAOS (over a story about the normal confusions of the second day of the New York City transit strike), or fabrications such as HOW I BECAME A MASS KILLER over the byline "By David Berkowitz"—actually a letter young Berkowitz had written a girlfriend several years before the Son of Sam killings. Add to this mix excessive tastelessness (a huge, bloody photograph of slain mobster Carmine Galante that wrapped around the front and back pages of the tabloid) and lots of sexist "T 'n' A" in the form of pictures of bikinied teen-agers tracked down by *Post* photographers, and you have the Four S Formula. But has it worked?

Politically, there's no question that Murdoch has achieved the big New York "S"—success. He wasn't even in town long enough to know where City Hall is before he was endorsing candidates, first Edward Koch for Mayor and then on to bigger fish. Murdoch's page 1 screamers built up Daniel Patrick Moynihan (Patriotic Pat who told off the oil Arabs) and then Edward Kennedy, until it seemed that Kennedy wouldn't be a winner. Then Jimmy Carter became Murdoch's boy, and vice versa. One week after *The Post* endorsed Carter in the New York State Primary, the Export-Import Bank in Washington gave Murdoch's Australian-based Ansett Airlines a $290 million loan with generous (8 percent) interest terms—a coincidence that stirred the curiosity of Senator William Proxmire and his banking committee earlier this month. But once *The Post* is judged in other than power-leverage terms—that is, if it's looked at as a newspaper—the record reads like that other unprintable "S."

Murdoch raised *Post* circulation in 1979 to a higher level than it was under the Dorothy Schiff management, helped mainly by a monopoly of the field during the newspaper shutdown of 1978 and by the acquisition of Queens circulation of the expired *Long Island Press*. But, distinctly on the debit side, key advertisers have all but left the paper and *The Post*'s "market share"—the calculation of the amount of advertising lineage garnered by the three major New York newspapers—was only 6.3 percent in 1979.

"People read *The Post* in eight minutes," says an advertising agency vice president, explaining why his clients have cut back on their advertising schedules. "Every time he picks up some readers with the nose-biter stories, he loses others," says George Lois, the noted graphics designer whose agency was hired by Murdoch for a time. "I'd find it next to impossible to advise a class client to advertise there." "Frankly, I don't read it at all," says Jack Thomas, publisher of *ADWEEK*, the advertising industry weekly. "If people want junk-food journalism, they can watch TV," says David Laventhol, the publisher of *Newsday*.



DRAWINGS BY ARNOLD ROTH

Edwin Diamond is a journalist and critic and senior lecturer in political science at M.I.T. He is co-author of Jimmy Carter: A Character Portrait *(Simon & Schuster).*

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The Post didn't look like it would be a loser when Murdoch came into town. In a speech to the American Newspaper Publishers Association, he chided A.N.P.A. members for "elitism" and isolation from ordinary Americans. In the Murdoch world view, contemporary men (and women) were "selfish" and "lacking any homogeneity." They didn't want responsible, serious newspapers; they wanted "excitement." While some of us were arguing that the American reader had, in fact, become better educated, more sophisticated and more demanding—wanting intelligent information presented in an imaginative way—others, including many publishers, secretly feared that many people still moved their lips when they read, if they read at all.

Three and a half years later, the Murdoch theory and method stand exposed. *The Post* is not a *news*paper at all; it is an *olds*paper—a paper of the past, a throwback to 1920s tabloid journalism and earlier, when most of us *did* move our lips when we read. Murdoch's low-road route is littered with corpses—the corpses of the *Graphic*s and *Mirror*s and the dozens of other newspapers that thought survival could be purchased by putting out a newspaper with stories that aimed "between the neck and the knees."

Murdoch has been quoted as saying, "I don't give a damn what the media critics say. It's what your readers say." New York-area newspaper readers have delivered their critique of *The Post*. They have not been flocking to the Murdoch formula despite his monopoly status in the afternoon, his large infusions of cash for promotion and his efforts to buy more circulation. The "mass" readers' verdict on Murdoch has not differed markedly from the "elite" critics' verdict. *The Post* claims a circulation of 640,000, which is a substantial total for any newspaper (a recent price rise from 25 cents to 30 cents is expected to cost the paper 8 percent to 10 percent of its readers). In 1969, Mrs. Schiff's *New York Post* had reached a high of 713,000 daily circulation. It had benefited, of course, from the disappearance of its afternoon rivals; still, by going her own way, Mrs. Schiff had survived everyone in the competitive P.M. field. By the early 1970s, however, appreciable numbers of *The Post*'s traditional, largely Jewish, readership were moving to the suburbs, where they picked up *The Times*, or *Newsday* on Long Island, *The Bergen County Record* in New Jersey, or one of the Westchester papers. When Murdoch acquired *The Post*, its circulation had dropped to about 500,000, as the paper failed to engage significant numbers of blacks and Hispanic readers who made up most of the city's new in-migration.

Murdoch was able to drive circulation up by capitalizing on big news events that touched certain New Yorkers, and moved them to buy *The Post* on the newsstands. For example, the suicide of Freddie Prinz (an Hispanic idol), or the capture of Son of Sam (whose "terroristic" reign had been so extravagantly followed in *The Post*), or the lingering death of John Wayne sold thousands of extra copies of *The Post*. But these street sales don't make regular readers; those occasional buyers tend to get their news from television.

The Post also tried traditional tactics in its effort to raise circulation. Reaching out to the suburbs and outer boroughs for newspaper readers, Murdoch acquired the *Long Island Press* circulation lists when the *Press* went out of business, boldly bought up the *Press*'s entire zone managers' network and began delivering *The Post* to former *Press* readers at cut rates. In the informed opinion of a rival newspaper executive, this added perhaps $2 million to $3 million a year in costs to Murdoch—the managers' salaries, the increased expenses of trucks to get the paper to Queens, extra newsprint costs. But again *The Post* didn't "take." Queens readership began eroding, despite the 15-cent-per-copy cost (versus the then 25 cents on newsstands) and the efforts of the former *Press* circulation department.

The Post claimed a circulation of more than 600,000 after its Queens move. Then came the biggest break. For a month in 1978, *The Post* published while *The News* and *The Times* were shut down in a dispute with the pressmen's union. But as soon as competition returned, the temporary readers vanished. In the "monopoly" quarter of October-December 1978, *The Post*'s circulation averaged 674,000; in the competitive January-March 1979 quarter, it averaged only 582,000. The most recently published April-September figures indicate a circulation of 640,000. According to Jonathan Thompson, a marketing executive at *The News*, street sales of *The Post* were boosted over the summer by breaking news—"Mountbatten's murder and bank heists."

So, with all its scrambling, the Murdoch *Post* has managed to do better in circulation than the Schiff *Post*, but at a cost of millions of dollars more in the expenses of doing business. And *The Post* is still far short of the 800,000 to one million readers that Murdoch has told associates he needs to turn a profit. Worse, as Thompson says, "some people may love that 'going under' stuff, but advertisers don't want anything to do with it." Other newspaper people, independently of Thompson, call this the fatal Catch-22 of *The Post*. *The Post* uses hype to attract readers; the hype repels advertisers. One advertising man claims to see a direct correlation between the increasing size of *The Post*'s headlines and the quickening departure of quality advertisers.

In the new age of demographics, advertisers prize the quality of the readership rather than raw numbers of readership. *The Times* has thrived financially in recent years by reaching the upscale readers in the city and the suburbs—which is why *The Times* can charge more for advertising than *The News*, although the latter has a larger circulation. Lately, *The News* too has been taking a higher road—moving out to the suburbs and up the scale—in pursuit of the same audience. *Newsday* on Long Island was already in place—suburban and solid journalistically, yet tabloid-sized—and has profited from the area's middle-class influx.

Instead of betting that advertisers could be attracted by a quality product—"the better stores want consistent readers, as well as upscale readers," an agency vice president offered—Murdoch's *Post* went for Fleet Street-style mass appeal, hoping to make its profits mainly on newsstand sales. As Murdoch's *Post* careened down the low road, the paper failed to distract the mass readership from its bemused loyalty to the TV set, while simultaneously losing or alienat-

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ing traditional readers and major advertisers. "Editorial content is very much on the minds of ad people," the same vice president explained.

If Murdoch would moderate his course and *The Post* eventually attract steady readers, one marketing executive told me, the supermarket chains and the department stores will be back with their ads. Possibly, a patient Murdoch could eventually wrest for himself a profitable share of the advertising lineage in New York and the suburbs. "In ten years," one former Murdoch associate says, "*The Post* investment could be worth ten times the $30 million he paid for it." In this scenario, Murdoch would recognize the failure of his theory and try a middle-of-the-road approach.

In the opinion of those who believe they know him, Murdoch has neither the skill nor the patience to put out a reasonably serious New York paper. One former associate says, "Murdoch is spread too thin . . . he tries to run *The Post* by overseas telephone for weeks at a time. . . . It just won't work that way." George Lois says, "He *likes* that slam! bang! pow! style. He thinks he's right."

My own hunch is that Murdoch is stuck with his theories. He has failed to recognize, as any number of his critics have pointed out, the differences between the "ordinary" American consumer he professes to know and the British mass reader who is "working-class cheeky" and proud of it. American consumers of the news identify with middle-class values. The American non-newspaper-reader who wants "unabashed entertainment"—Murdoch's deceptively benign phrase for his approach to journalism—can get it free and easily from local television news in New York. TV news can supply lots of bloody Mafiosi photos, disco doings and jiggle-vision. Why pay 30 cents for nonmoving pictures? And if you do, then you consume the thrills in five minutes and throw away the paper. American nonreaders or street readers have no class allegiances; they are united only in their disconnectedness from public life—not voting, not attentively consuming news or ads. *The Post* could conceivably step up the T 'n' A and the blood quotient. But what if circulation went to 650,000 or even 700,000 without the advertisements? Murdoch's own break-even point, without real advertising, is around 800,000—perhaps even higher. "Circulation alone doesn't necessarily mean that much," says *Newsday* publisher Laventhol. "The New York *Mirror* went out of business with 800,000 readers."

Instead of competing with *The News* for the changing, demanding audience, Murdoch moved into a journalistic territory that has been abandoned, like the South Bronx. Most of the tabloids that once lived "low" have moved on, or died, and Murdoch is finding himself in the position of doing what he said other publishers were doing—essentially talking to himself, doing the kind of journalism he knows the "masses like." "We're just an afternoon tabloid," a *Post* editor said to me by way of explaining the hype in stories.

There is another scenario for a successful New York afternoon newspaper. Instead of the low road or the middle of the road, *The Post* could boldly take aim on a quality audience with a bright, honest, *credible* tabloid. Scores of thousands of New Yorkers commute by rail or bus to and from work; given gasoline shortages, tens of thousands more will be commuting. These employed, upscale men and women—black and Hispanic as well as white—have to read something on the way home (some scan *The Post* now). Would a paper with final stock markets, race and sports results, television listings, national and international news and good features attract a readership of perhaps 300,000 or 400,000—and the advertisers who want to reach these good demographics? As it happens, *The News* under editor Michael O'Neill and *Newsday* under Laventhol have both prepared prototypes of a tabloid-sized quality afternoon paper. (*The Times* had considered the idea but now has put its energies into building up its new daily sections.) People who have seen the dummy pages think either an all-day *News* or a special New York *Newsday* could take on Murdoch and beat *The Post* further into the ground.

I offer this scenario of a battered *Post* with sorrow rather than pleasure. If Murdoch were indeed so smart, he would have gone "over" rather than "under," and try to serve his readers rather than jerk them around. Instead of shoring up the structures of community with a sustained, caring journalistic effort, Murdoch has chosen to play games with the fears and fantasies of a troubled city. When he couldn't get old *Post* hands to do his low-road journalism—the latest *Post* defection is the photo editor, a woman who reportedly couldn't stomach the T 'n' A diet any longer—he brought in hack-work helpers from Australia, his "curly clones" and "kangaroos" and burned-out cases who have to be told the Bronx is up and the Battery is down. Their journalism at *The Post* supports New York about as much as graffiti supports a wall. Theirs is the journalism of contempt—contempt for the city, for its people and, ultimately, for themselves. Someone would have to be as cynical as the Murdoch gang itself to think they will succeed. □

SNEPP AND 'CONFIDENTIALITY'

The C.I.A. As Censor

ARYEH NEIER

It is much more safe to be feared than to be loved.
—Niccolò Machiavelli, *The Prince* (1513)

On March 6, when several Central Intelligence Agency officials testified at a secret hearing of the Permanent Select Committee on Intelligence of the U.S. House of Representatives, they provided a fascinating revelation of the values the Agency most fiercely guards. The hearing was called at the request of

Aryeh Neier, a member of The Nation*'s Editorial Board, is adjunct professor of law at New York University and a fellow of the New York Institute for the Humanities.*

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Representative Les Aspin of Wisconsin and was intended to inform the members of the committee about the censorship procedures that are being employed by the C.I.A. in the wake of the Supreme Court's *Snepp* decision. The C.I.A. officials who testified are associated with the Agency's Publications Review Board; that is, they are the C.I.A.'s censors. A transcript of the hearing has now been released by Representative Aspin. Although parts have been deleted, what remains shows clearly that to the Agency watchdogs, the shadow of its image is more important than the substance of the information it wishes to suppress.

At the hearing, Representative Aspin inquired about a passage in the *Snepp* decision, "where it says . . . that a former intelligence agent's publication of unreviewed material relating to intelligence activities can be detrimental to vital national interests, even if the published information is unclassified. What is your view of that?" Ernest Mayerfeld, an attorney in the C.I.A.'s Office of General Counsel, responded: "Oh, I most emphatically agree with that statement. That, indeed, is the whole point of the Snepp case, and I think Director [Stansfield] Turner, in the course of the trial, testified to this eloquently. He said, if we cannot control our own employees, if they can flout the obligation that they have with us, what kind of a signal are we sending to our sources? What kind of a signal are we sending to our cooperators? It doesn't matter whether there is anything in there or not which in fact hurts, but if they can with impunity violate their obligation and publish, it sends a very bad and dangerous message to our sources."

At another point in the hearing, Aspin asked about the publication of William Colby's 1978 book, *Honorable Men: My Life in the C.I.A.* The version published in the United States was submitted to the C.I.A. for censorship and passages disclosing classified information were excised. The French edition, on the other hand, was not censored. Not only was the classified information published but, because of the discrepancies between the two editions, it is possible to tell exactly what information was classified. C.I.A. officials have long contended that the Agency suffers the greatest damage when classified information is not only published but also identified as classified. It saves any hostile government a lot of time, makes it plain that the C.I.A. has a reason to conceal the information and confirms its accuracy. Yet, as the following exchange indicates, at the hearing the C.I.A.'s censors did not demonstrate any concern about Colby's book:

> Mr. Aspin: How about suing Bill Colby for the proceeds from the French edition?
>
> Mr. Wilson [executive secretary of the C.I.A.'s Publications Review Board]: We could not sue him on the same ground as Snepp, in my opinion. I am not an attorney, Mr. Aspin, but Mr. Colby did submit his manuscript for review.
>
> Mr. Aspin: But the book was published in the French edition without changes.
>
> Mr. Hetu [director of the C.I.A.'s Office of Public Affairs and chairman of its Publications Review Board]: As we understand it, Mr. Colby's U.S. publisher had a copy of the original manuscript and provided it to the French without making changes.
>
> Mr. Aspin: Suppose Snepp had sent his manuscript in and you had reviewed it but it had been published that way and somebody could say, gee, the publisher just made a mistake, would that have let Snepp off the hook?
>
> Mr. Hetu: A hypothetical. I just don't know what would have happened in that case.

Aspin dropped the line of questioning, but it would be interesting to know what the C.I.A. officials would have said if he had pointed out that Colby violated the C.I.A.'s Termination Secrecy Agreement by giving an uncensored copy of his manuscript to his publisher. Under the agreement, Agency employees pledge never to "divulge, publish or reveal . . . classified information" to anyone outside the C.I.A. without its permission. The C.I.A. could have sued Colby and, since classified information was involved, would have had an easier time proving that it suffered damages than was possible in the case of Snepp.

A number of explanations are possible for the decision to sue Snepp but not to sue Colby. Snepp was a mere agent, Colby was the Director of the C.I.A. Snepp is a critic of the C.I.A., though not one who can be readily typed ideologically. Colby, despite his embittered relations with other former high-level officials of the Agency like Richard Helms, is a defender of the C.I.A. But a more important difference seems to be the one that the C.I.A. censors identified in their responses to Representative Aspin's questions. By arranging for Random House to publish his book, *Decent Interval*, secretly, Snepp conveyed the message, as Mayerfeld put it, "that we cannot control our own employees." Snepp openly defied C.I.A. censorship. Colby appeared to comply with C.I.A. censorship, though he did not actually comply. It may be that Colby disclosed classified information and that Snepp didn't, but as Mayerfeld said, "It doesn't matter whether there is anything in there or not which in fact hurts." What matters to the C.I.A. is appearance. Disclosure of C.I.A. secrets is not nearly so bad, from the Agency's standpoint, as the appearance that it can't keep secrets.

The acknowledgment by the C.I.A. censors that their concern is with appearances rather than with actual secrets helps to explain some of their previous behavior. Their first big test came in 1972, when the Agency got a court order requiring former agent Victor Marchetti to submit a manuscript to the C.I.A. for censorship. The C.I.A. censors specified 339 passages that should be deleted, but in the course of litigation they were forced to allow publication of 171 passages. In 1974, Knopf published the book, *The CIA and the Cult of Intelligence* by Marchetti and John D. Marks, with blank spaces for the 168 passages where the censors had prevailed and with the 171 restored passages set

COMING UP: "Dream Deferred: The U.M.W. Reform Movement," by Curtis Seltzer.
"The Middle East: Off-Limits for Superpowers," by O. Edmund Clubb.

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in boldface type. Why the C.I.A. ever attempted to censor many of the innocuous-seeming passages set in boldface type is a mystery—until we recall the censors' professed concern for appearances.

Seven pages of the Marchetti and Marks book are devoted to "The Tracking of Che." They provide a detailed description of the Agency's role in the capture and summary execution of Che Guevara in Bolivia. Aside from deleting all information that might identify the C.I.A. agents involved, the only sentence the censors tried and failed to excise was this one: "Guevara's last moments were recorded in a rare, touching message to headquarters from the C.I.A. operator."

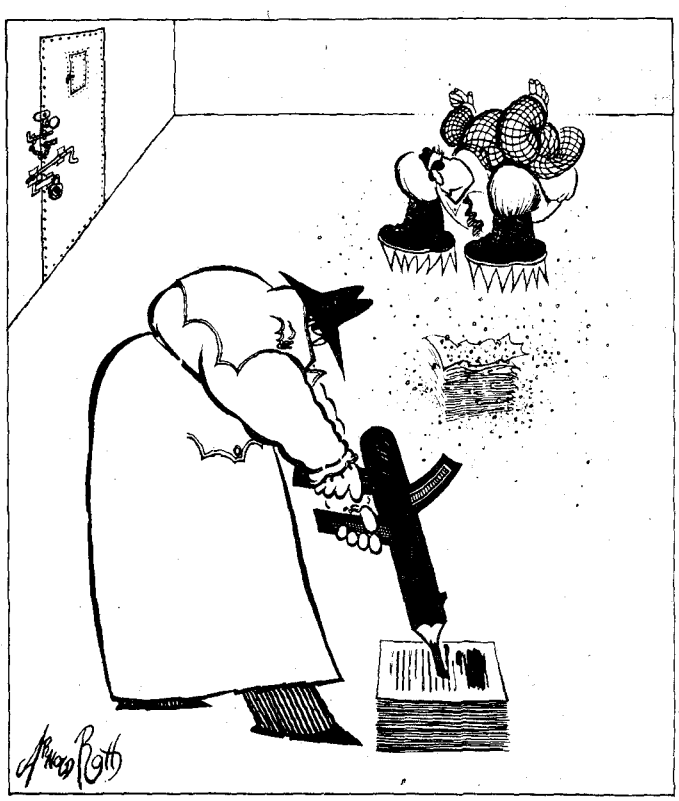
Another section of the Marchetti and Marks book describes C.I.A. intervention in the 1970 elections in Chile. A lot of this was deleted but the censors left enough to suggest the general outlines of C.I.A. intervention. Among the passages they were forced to restore and that appear in boldface type were the following: "Richard Helms, then Director of the C.I.A., represented a somewhat divided . . . "; "The central conclusion had been that forces for change in the developing Latin nations were so powerful as to be beyond outside manipulation," and "The 1968 estimate had in effect urged against the kind of intervention. . . . " (The last two references are to a study of Latin America by the C.I.A.'s Board of National Estimates.)

Other attempted deletions included: "As incredible as it may seem in retrospect, some of the C.I.A.'s economic analysts (and many other officials in Washington) were in the early 1960s still inclined to accept much of Peking's propaganda as to the success of Mao's economic experiment"; the "mission was approved by the 40 Committee [responsible for overseeing covert operations] over the strong objections of the State Department," and, referring to a briefing of the National Security Council by Helms, "His otherwise flawless performance was marred only by his mispronunciation of Malagasy."

At the March 6 hearing of the House Intelligence Committee, the C.I.A. guardians of security contended that if *The CIA and the Cult of Intelligence* were reviewed today, they would not try to purge so much. As one of them said, "I think the bold print would have been obviated by today's process which is, in my opinion, a lot tighter than it was then." Perhaps, though if it is tighter, it is probably because Knopf embarrassed the C.I.A. by clearly identifying the passages its censors attempted unsuccessfully to delete. As embarrassing as it is for the C.I.A. to have that information revealed, even more embarrassing is for it to be known that the Agency had tried to censor it and failed.

But the obvious question is, what harm could the C.I.A. have seen in the revelation of such trivial information? Let us go on the assumption that there was a method to the seeming madness of the censors, bearing in mind Mayerfeld's assertion that the point of the *Snepp* case was to demonstrate that the C.I.A. could control its own employees. The appearance of division within the ranks of the C.I.A. tends to diminish its fearsomeness. Viewed from the perspective of censors intent on maintaining the Agency's ability to inspire fear, many deletions from *The CIA and the Cult of Intelligence* that previously seemed merely capricious begin to make sense. An account of the C.I.A.'s role in the killing of Che Guevara inspires fear. Let it stay in. But reporting that a C.I.A. operator sent home "a rare, touching message" about Guevara's last moments suggests that C.I.A. agents may feel remorse about their acts. Censor it. Censor any passages that suggest that someone within the Agency or elsewhere in the Government counseled against intervention in the Chilean elections or against any other C.I.A. operation. And censor anything that makes the Agency look bumbling, even if it does no more than disclose that the Director of the C.I.A. stumbled over the pronunciation of Malagasy. These revelations detract from the Agency's efforts to appear as a powerful, efficient and ruthless monolith, in full control of its employees, unified on all policies, remorseless against its enemies and insusceptible to such human failings as occasionally mispronouncing a name.

During the course of the *Snepp* litigation, the C.I.A. conveyed to the courts its need for the appearance of control over its employees. The Supreme Court explicitly endorsed this rationale for prior restraint in a footnote to its decision: "The Government has a compelling interest in protecting both the secrecy of information important to our national security and the appearance of confidentiality so essential to the effective operation of our foreign intelligence service." It is a crucial sentence in the opinion. While the events of the last several years have made clear that "information important to our national security" is an elastic concept, it is a model of specificity compared to "the appearance of confidentiality." Even revealing that a C.I.A. official has difficulty in pronouncing a name may detract from the ap-



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pearance of confidentiality. And, since it is that appearance that matters to the C.I.A., linked as it is to its interest in appearing as a monolith and inspiring fear, we may be certain that the censors will not restrict their efforts to protecting secrets that might injure national security. Now that the Supreme Court has given them carte blanche, they will be restrained only by a concern that someone will again make them look as foolish as Knopf did by publishing *The CIA and the Cult of Intelligence* with their outrageous attempts to censor clearly visible. □

CALIFORNIA INITIATIVES

Proposition 9—A Fiscal Earthquake

HAL RUBIN

Sacramento

Two years ago, Californians slashed $7 billion off their property taxes—an average of $600 per homeowner—by passing the Proposition 13 initiative. Last year, Paul Gann, who co-authored Proposition 13 with Howard Jarvis, did a solo with Proposition 4, which passed handily and imposed a lid on spending by state and local governments.

Now another tax-cutting measure is on the June 3 California ballot—Proposition 9, a.k.a. Jarvis II and, more irreverently, Jaws II. The initiative will cut state income taxes in half, meaning an annual net loss to the state of $4.85 billion, according to the California Franchise Tax Board. Taken together, Propositions 13 and 9 would reduce state and local tax revenues by $11 billion to $12 billion.

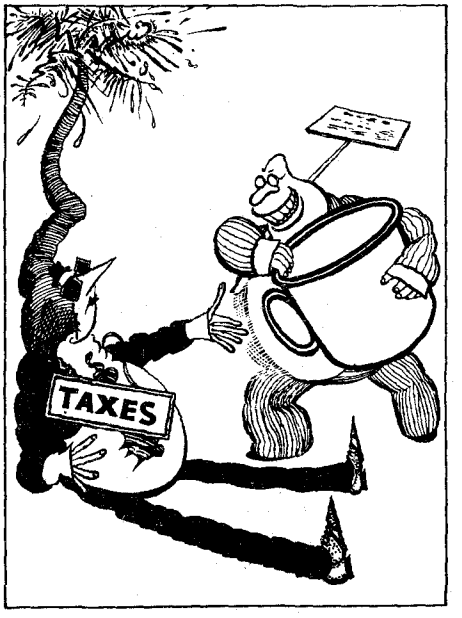
The Brown administration used much of the state's $5 billion surplus to cushion the impact of Prop 13. This time it may be different. According to State Senator Albert Rodda, chairman of the Senate Finance Committee, Proposition 9 will quickly blot up the last of the state surplus and go on to create a multibillion-dollar deficit. Since the state Constitution prohibits deficit spending, drastic cuts at the state and local levels will be necessary to balance the budget.

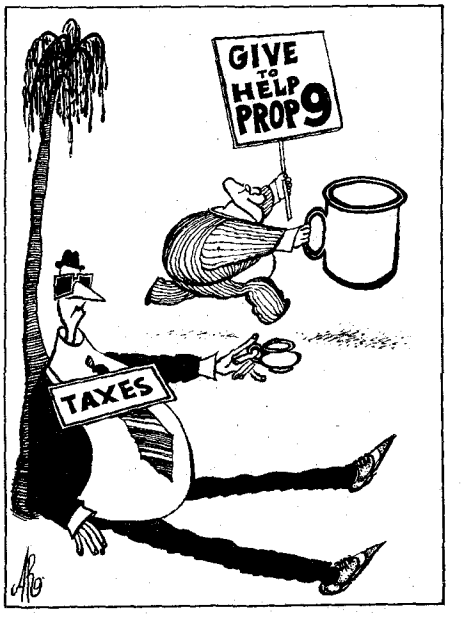
Guiding the Prop 9 campaign as chairman of the Tax Reduction Movement is the Pied Piper of disgruntled taxpayers, Howard Jarvis. Although confident that Jarvis II will pass by a margin greater than the 2-to-1 margin of Proposition 13, he has played it safe by hiring the consulting firm of Butcher-Forde to manage the campaign. Asked by a *Los Angeles Times* reporter why 90 percent of his $1.5 million war chest is earmarked for television spots, Jarvis responded, "People who decide elections don't read." (This may explain Jarvis's dismissal of protests against the cutbacks in library funding that resulted from Prop 13: "It's not very important to have books in libraries if kids can't read them.")

To get Prop 9 on the ballot, Jarvis launched one of the most expensive signature-gathering efforts in the state's history, and his organization spent about $2.50 per signature to get 820,000 Californians to endorse the petitions. He claims that about 200,000 people made cash contributions: an average of $9.90 each. Contributions were collected almost entirely through computerized mailings sponsored by his "Cut the Income Tax Committee." The drive was kicked off on April 15 with a statewide television broadcast costing $60,000.

Opponents of Jarvis II, who fear that this time the ax will really fall on vital social services, are trying to avoid the mistakes they made fighting Proposition 13. In 1978, they used scare tactics, warning that the sky would fall. Although some programs were cut afterward, many Californians experienced none of the curtailments in services that had been threatened, and their property taxes were significantly

Hal Rubin teaches journalism at California State University, Sacramento; he is also a freelance writer.





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reduced. The problem now is to convince the same voters that Jarvis II will produce massive cutbacks they will live to regret.

Senator Rodda, who fought against Jaws I and is fighting Jaws II, admits that because of the state government's bail-out in the aftermath of Prop 13, politicians opposed to the new initiative lack credibility. "Jarvis II is going to cut our throats, but we're not going to bleed to death until next year," he warns. As a result, the anti-Proposition 9 campaign is stressing that the 14 percent of the state's taxpayers who earn $30,000 or more a year will benefit most from it. *The Sacramento Bee* has commented editorially: "The true effects of Jarvis II would probably not be as awful as the prophecies of doom that many in state government are now intoning. But the severe damage cannot be discounted [and] a vote for Jarvis II remains a vote for a major dismantling of government programs and services."

Even conservative economist Milton Friedman, who made television commercials in support of Proposition 13, opposes Proposition 9 because he fears the legislature would react to the loss of income tax revenue by increasing business taxes. The business community is also leery of Proposition 9, believing that Propositions 13 and 4 should be given time to work and their effect on the economy measured before passing a new tax cut.

There is also a sizable group that is more or less on the fence. Although they do not view Proposition 9 as an unmitigated disaster, they doubt that California's economy can handle two major tax cuts transferring billions of dollars annually from government to private hands. Nevertheless, they see some advantage in forcing state and municipal bureaucrats to make a painful but necessary cost-reassessment of their programs. This reappraisal, they claim, may eliminate waste and duplication and stimulate needed reforms.

Opponents of Proposition 9 must face the fact that inflationary "bracket creep" has caused state income taxes to rise at twice the rate that real estate taxes have gone up. As a result, one group working to defeat the new initiative, the California State Employees Association, is offering an alternative tax reform package called the Tax Simplicity Act on the November ballot. This would not favor the wealthy as much as Jarvis II does. It would eliminate taxes for couples on their first $20,000 of income; remove taxes on the first $10,000 of income for single people; close tax loopholes, and raise the bank and corporation tax rate to 12 percent.

But their efforts may be swept away by California's latest tax-cutting wave. In March, the California Poll showed Proposition 9 favored by a 54-to-34 percent margin. As a pragmatic California political writer, who checks the tote board regularly, put it: "Can you really expect the electorate to vote against a tax cut?"

Meanwhile, the rest of the nation should expect an outbreak of Jaws II fever. Howard Jarvis has already arranged for his electoral blockbuster to play in Illinois, New York, Texas and North Carolina. □

Proposition 10—The Landlord Relief Act

MITCHELL KAHN

The same Howard Jarvis-led landlords who profited from Proposition 13 are back with a new pig-in-the-poke proposition for California voters—Proposition 10. Having lowered their taxes by constitutional amendment, they now seek to raise everybody's rents by eliminating rent control.

Nowhere has the fight against rent control been more relentless than in the state of California. Landlords, led by the California Housing Council, have spent several million dollars in their attempt to defeat local rent control initiatives, but their success has been intermittent, and one-third of California's eleven million tenants are now covered by some form of rent control. Besides winning rent control ordinances in Los Angeles, San Francisco and other cities and towns, tenants have captured City Council seats in places as divergent as Santa Monica and rural Cotati in Sonoma County. A statewide tenants' organization called CHAIN (California Housing And Information Network) has nurtured an effective grass-roots movement. Responding to the rise in tenant activism, the state legislature passed eleven tenant-oriented bills in 1979, including a retaliatory eviction law that prohibits landlords from evicting tenants solely because they are exercising their legal rights.

At first, landlords concentrated on lobbying in Sacramento for legislation that would bar local rent control laws. Recently, however, California's landlords altered their strategy. In August 1979, they formed an ad hoc organization called Californians for Fair Rent, a blue-ribbon panel of real estate industry trade associations including the California Housing Council, the California Apartment Owners Association, the California Association of Realtors, the Mortgage Bankers Association, the California Builders Association, the Building and Construction Trades Council and the Western Mobile Home Association (owners of mobile-home parks). The group decided to bypass the state legislature and amend the state Constitution through the initiative process. Hundreds of people were hired to gather the necessary signatures, and the industry's Fair Rent Control Standards Initiative, known as Proposition 10, was placed on the June ballot.

The initiative is designed to destroy rent control in California. It would invalidate every existing rent control law in the state and make future ones so weak as to be meaningless. If passed, it would require that local rent laws provide

Mitchell Kahn is associate professor of social work at Ramapo College and vice president of the New Jersey Tenants Organization.

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landlords with an annual rental increase equal to the rise in the Consumer Price Index (C.P.I.). With the annual inflation rate now running in the area of 15 percent to 20 percent, landlords would be allowed rent increases far beyond many tenants' ability to pay. Landlords stand to make greater profits under this provision since their operating costs generally rise at a rate that is less than one-half the C.P.I. In addition to full C.P.I. rent increases, landlords would receive additional rent dollars for capital improvements, "hardship situations" and a "fair rate of return" on investment. The initiative does not define hardship or fair rate of return.

The initiative exempts government-assisted housing and new construction (which is the case under existing California rent laws) and the 30 percent of California tenants who rent single-family homes. A glaring pro-landlord provision in the initiative is unlimited vacancy decontrol. This would permit a landlord to raise the rent to whatever level he wants once a tenant moves out. Since the average apartment turnover rate in California is once every two years, vacancy decontrol would accelerate the escalation of rents.

The initiative prohibits the enactment of a statewide rent control law and requires that all local rent control laws be submitted to referendum before enactment or renewal. As Dennis Keating, a Berkeley attorney and urban planner active in CHAIN, pointed out, "While professing a devotion to democracy by requiring an election if local controls are to be adopted, the real estate interests are actually counting on a huge bankroll to outspend local tenant groups in electoral campaigns." *The Sacramento Bee* editorialized, "The proposal should be presented for what it is: an attempt by landlords and real estate interests to make it difficult to enact rent control measures."

Yet the Fair Rent Control Standards initiative has not been presented for what it is. Los Angeles Councilman Joel Wachs called it "the most misleading and deceptive initiative I've ever seen." Fraud was widespread during the petition drive; signature gatherers were instructed to tell citizens that the measure would strengthen rent control and reduce rents. Mary Murphy, a tenant from Laguna Beach, declared, "The way it was presented to me, I thought it was to help get rent controls." California Rural Legal Assistance lawyers presented Yolo County Superior Court Judge William Biddick with signed affidavits from citizens who were told they were "signing a petition for rent control" that would "lower senior citizens' rents" and "stop rent gouging." The judge noted that misrepresentation was involved, but he refused to invalidate ballot petitions, saying that to do so would be an interference with the initiative process. Even some of the persons collecting signatures were misled by the title and ballot summary of the initiative. *The Los Angeles Times*, a consistently vociferous opponent of rent control, acknowledged that "the deception is so complete that *Times* reporters recently found a young man gathering signatures on petitions, at 30 cents a name, who seemed genuinely to believe that had it been approved earlier it would have helped him fight off a recent increase in his rent." The landlords eventually got 1.2 million signatures on their petition and, although 500,000 were invalidated by county clerks because of irregularities, the measure still qualified for the June ballot. Landlords spent $1.8 million on the petition drive, a cost of $2.50 for each valid signature gathered.

While Proposition 10 is being sold to the general public as a pro-rent control measure, its sponsors are telling their allies a different story. Real estate tycoon Jarvis, father of Proposition 13 and the current Proposition 9, sent a letter to 900,000 of his followers urging them to support the initiative, and claimed that "radicals want government to control prices, even the price you can sell your home. Their first step is to have statewide rent controls. Next will be food, clothing, your home." In a separate letter to landlords, Jarvis personalized the issue by noting, "*For years I have served as Executive Director of a large Apartment Owners Association*, and I assure you this measure [Proposition 10] will stop Jane Fonda, and her radical husband Tom Hayden, in their attempt to destroy private property rights in California." Clearly, the landlords are beaming different messages to different constituencies. The respected California Poll recently found that 56 percent of Californians favor local rent controls, and it is likely that landlords will continue to peddle the deception that Proposition 10 facilitates local rent control. The landlords have hired four public relations firms (Don Solem and Associates, Ed Slevin, Woodward-McDowell-Larson, and Butcher-Forde) known for their ability to promote conservative causes. Jarvis and his allies in the landlord coalition have pledged to spend $6 million to $8 million on a media-oriented campaign. If this dollar expenditure materializes, Proposition 10 will be the costliest referendum in California history.

Opposition to Proposition 10 is beginning to solidify. Citizens' organizations such as CHAIN, Tom Hayden's Campaign for Economic Democracy, the Coalition for Economic Survival, the Golden State Mobile Home Owners' League and progressive unions like the United Auto Workers, the United Farm Workers, the Amalgamated Clothing and Textile Workers and the International Longshoremen have formed a coalition called Californians Against Initiative Fraud (CAIF). A number of liberal state legislators have joined the coalition, and Mayor Tom Bradley of Los Angeles has signed the ballot argument against Proposition 10. Former Gov. Edmund (Pat) Brown is serving as the honorary chairperson of the "No on 10" campaign. CAIF has pressured California Attorney General George Deukmejian into changing the deceptive initiative title "Rent Control" to "Rent." However, Deukmejian has refused to change the misleading wording of the ballot summary. A number of newspapers, including *The Los Angeles Times*, have joined the opposition to Proposition 10 because of its fraudulent nature. CAIF is planning to carry out an extensive grassroots campaign in the hope of offsetting the huge spending of the landlords. All parties concerned know that the stakes are high. Tenants are fighting for rent control protection while landlords are seeking no less than a constitutional guarantee of ever greater profits. □

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'JUST WARS' DOCTRINE

The Church Revolutionary In Latin America

PENNY LERNOUX

Much has been written about the political implications of the Nicaraguan revolution for Central America. Strangely, little has been said about the religious dimensions of that struggle or its consequences for the Roman Catholic Church in Latin America. Yet it is the religious element that distinguishes the Nicaraguan experience from other revolutions in the hemisphere—in itself an indication of how much the church in that region has changed in recent years.

Nicaragua's seven bishops did more than denounce human-rights violations during Anastasio Somoza's regime; they openly supported the Sandinist guerrillas in their armed revolution. "All of us are affected by the extremes of revolutionary insurrection," said the bishops. "Nevertheless, it is not possible to deny the moral and judicial legitimacy of such insurrection in the case of a prolonged tyranny that destroys fundamental human rights and endangers the common good of the nation." The Nicaraguan hierarchy was repeating traditional church teaching on "just wars" against tyrants that originated with St. Thomas Aquinas. The novelty of their action lay not in theological invention but in the application of a doctrine that has not been invoked for centuries.

The collaboration of priests and nuns—three were killed—and the mass enlistment of Catholic youths in the Sandinist army tempered the earlier hostility to religion of the guerrillas' Marxist leaders. Father Miguel D'Escoto, a Maryknoll missionary and now Nicaragua's Foreign Minister, described the process as mutually enriching:

> In the beginning, the Sandinist Front of National Liberation was Marxist and anticlerical, perhaps because a process of Christianization had not yet begun in the Nicaraguan Catholic Church, and it was identified with the interests of the privileged class. But with our evangelical radicalization, placing ourselves on the side of the poor and oppressed, and not betraying Christ so much, the Front opened itself to Christians because they believed the church an important factor in the struggle for liberation and because they real-

Penny Lernoux is The Nation*'s Latin American correspondent.*

Socialism
(from "Pastoral Letter of the Nicaraguan Episcopate"—November 17, 1979)

It is heard expressed, at times even with anguish, the fear that the present Nicaraguan process is headed toward socialism. People have asked us, the bishops, what we think about that.

If, as some think, socialism debilitates people by usurping their character of being free protagonists of history, if it aims to submit people blindly to the manipulations and dictates of people who arbitrarily exercise power, such a spurious or false socialism we could not accept. Neither could we accept a socialism which takes from man the right to have a religious motivation to his life or to express publicly those motivations and convictions, whatever be his religious faith.

Equally unacceptable would be to deny to parents the right to educate their children according to their convictions or other rights of the human person.

If, on the other hand, socialism signifies, as it ought to signify, pre-eminence of the interests of the majority of Nicaraguans and a model of a nationally planned economy that is progressively participatory, then we have nothing to object to. A social plan that guarantees the common destiny of the wealth and resources of the country and permits the satisfaction of the fundamental necessities of everyone and an improvement of the human quality of life seems to us just. If socialism implies a growing diminution of injustices and the traditional inequalities between city and country, between the remuneration for intellectual and manual work; if it signifies participation of the worker in the control of the work process, thereby overcoming economic alienation, there is nothing in Christianity which would contradict this process. Rather, Pope John Paul II just recalled to mind in the United Nations the problems caused by the radical separation between work and property.

If socialism supposes power exercised from the perspective of the great majority and increasingly shared by the organized people in a manner which leads toward a true transferral of power to the popular classes, again one will find in the faith only motivation and support.

If socialism produces cultural processes that awaken the dignity of our masses and encourages them to assume responsibilities and to demand their rights, then we are dealing with a humanization which converges with the human dignity that our faith proclaims.

With respect to the class struggle, we think that one thing is the dynamic fact of the class struggle which ought to produce a just transformation of societal structures, and another thing is class hatred which is directed against persons and contradicts radically the Christian obligation to conduct oneself by love.

Our faith assures us that it is a fundamental Christian obligation to master the world, transforming the land and the rest of the resources for production in order to permit people to live and to make of this Nicaraguan land a land of justice, solidarity, peace and liberty, in which everyone will acquire a sense of the Christian announcement of the reign of God.

What is more, we have confidence that the revolutionary process will be something original, creative, profoundly national and in no manner a simple imitation of other processes. With the majority of Nicaraguans, what we aim for is a process that will lead firmly toward a fully and authentically noncapitalist Nicaragua, neither dependent nor totalitarian. —Translated by James Russell

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ized they were wrong in believing that only a Marxist could be a revolutionary. Thus the Front acquired maturity and it became authentically Sandinist.

A young guerrilla on the barricades of Estelí put it another way. "Look at this cross," he shouted at a foreign journalist, waving a revolver with one hand and holding up the cross hanging from his neck with the other. "I am not a Communist, as Somoza calls all who fight against his Government. I am a Catholic and a Sandinist!"

Given the deeply ingrained religiosity of the Nicaraguan people, it is questionable whether the insurrection would have toppled Somoza so quickly had Catholics not made common cause with Marxists. Typical of the many manifestations of this religious-revolutionary mix was the elderly Nicaraguan who, during periodic cease-fires, read the Bible to guerrillas camped in Barrio Riguero. The old man chose passages from the *Apocrypha*, First Book of Maccabees, about the victorious war by the "guerrillas" of Judas Maccabaeus and his brothers Jonathan and Simon against the Hellenic "imperialists" who had profaned the Temple of Jerusalem and subjugated the people of Israel.

Since Somoza's downfall in July 1979, the bishops have continued to give critical support to the revolution. As the excerpt from their November pastoral letter indicates (see previous page), they have no qualms about socialism so long as it is democratic and humanitarian—in effect, so long as it is Christian. Only by acting like Christians do we become Christians, they say.

Socialism in the Nicaraguan context is not as radical a solution as it might seem elsewhere. After Somoza and his cronies fled the country—taking $535 million of the country's scarce foreign exchange with them—the revolutionary Government nationalized their properties, including Somocista plantations and ranches (40 percent of the country's best agricultural land) and 200 companies. These acquisitions have given the state control over a significant portion of the economy, including 20 percent of agricultural production, 25 percent of industrial production, 70 percent of the construction industry and 55 percent of the service industry. On the other hand, private enterprise in Nicaragua never operated in an open capitalist market because the Somoza family owned most of the country's wealth. The difference today is that the wealth is being redistributed among the people (more than 1.7 million acres have been transferred to peasants by the Agrarian Reform Institute).

To date, the Government has followed a relatively moderate course with a mixed economy, including private and collective enterprise. But even if it adopts more radical measures in the future, Nicaragua's Catholics and bishops are unlikely to protest, so long as the people's standard of living or democratic freedoms are not abridged.

The potential radius of the religious fallout from Nicaragua is not limited to Central America but includes South America and the Caribbean, too. In view of the Catholic Church's enduring influence on the peoples of Latin America, the influence of its social gospel may prove more important in the long run than the adoption of Sandinist military tactics by guerrilla groups in Guatemala or El Salvador. No country in Latin America can imitate the political processes of another because each is different in cultural and historical makeup (for example, the business community supported the guerrillas in Nicaragua but is militantly opposed to them in El Salvador). The shared heritage of religion is the one exception to this diversity. Whatever the form the political process takes, it will be influenced, for better or worse, by that common experience, in particular the position taken by the bishops on "just wars" and socialism. □

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Women

(Continued From Front Cover)

president Eleanor Smeal. "This is a vicious circle that has to be broken."

Grievances against Carter have been piling up at least since January 1979, when the President, in a fit of peevishness, fired Bella Abzug as co-chair of his National Advisory Committee for Women after the group, comprising leaders of the most prestigious women's organizations in the nation, criticized deep budget cuts directed at programs for women and children. [See Kelber, "The Friday Night Massacre," *The Nation*, February 3, 1979.] A majority of the committee members (all serving without pay) then resigned, charging their independence had been compromised. Carter replaced Abzug with Linda Johnson Robb and reorganized the committee on a smaller scale, with its powers severely limited.

Carter's icy displeasure with women who publicly challenge his policies had been demonstrated even earlier when his chief woman adviser, Midge Costanza, was demoted and finally forced to resign. Among her other infractions of the Georgia team spirit, Costanza had had frequent run-ins with Hamilton Jordan, whose boorish encounters with women in Washington saloons and dinner parties marked him as a sexist. Even worse, Costanza organized a memorandum to Carter from women in the Administration protesting his hard line against abortion rights. Costanza was succeeded by the more pliable Sarah Weddington, a Texas lawyer who has been orchestrating women's support for the President's reelection effort from the White House, using its facilities and supplies for an outpouring of pro-Carter puff sheets to a vast mailing list.

After NOW broke with Carter, Weddington barred Smeal and other NOW representatives from a White House meet-

Mim Kelber, former policy consultant to the National Advisory Committee for Women, writes frequently on women's issues.

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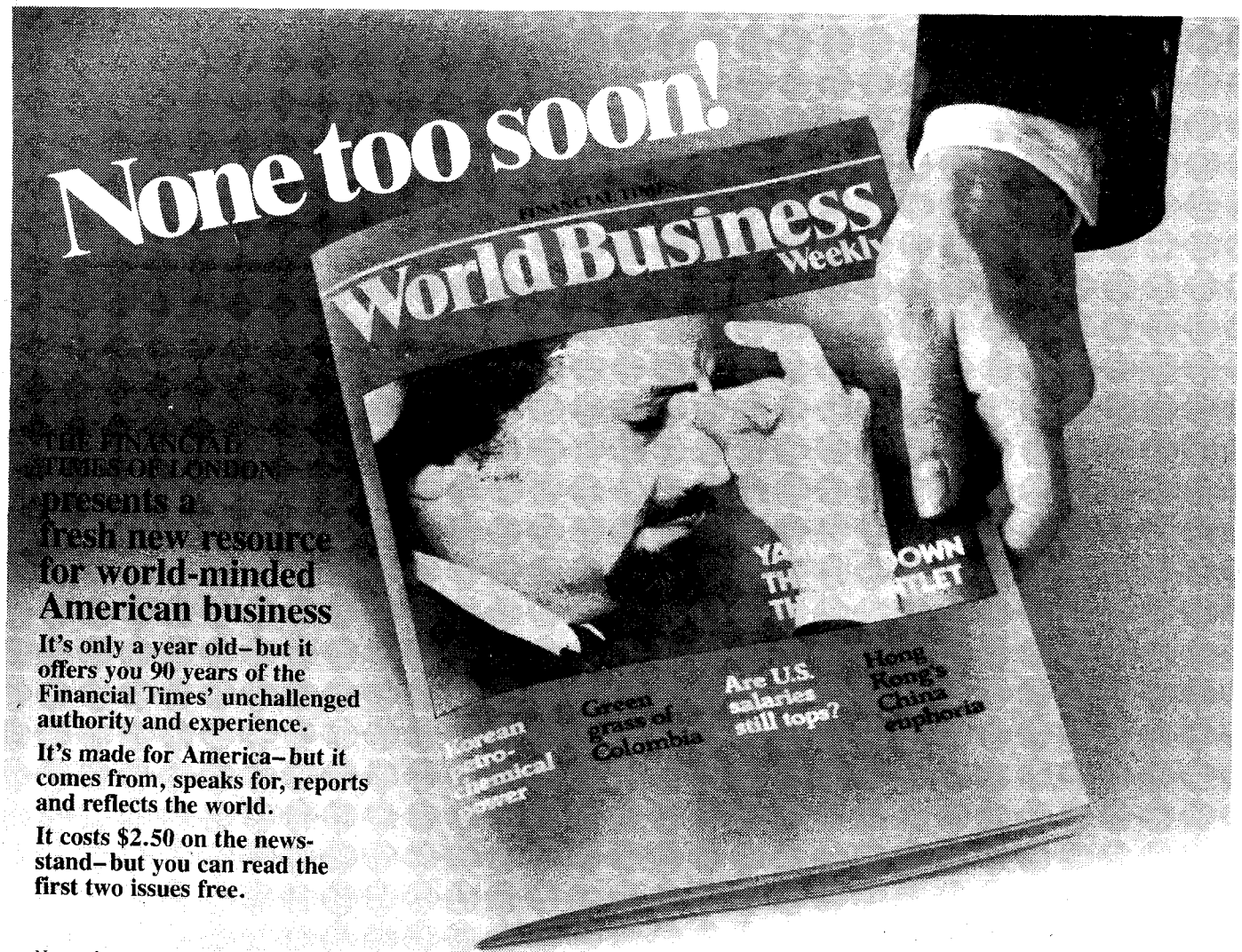

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ing of women leaders that had been called initially at NOW's suggestion to discuss E.R.A. ratification strategy. While what NOW called a "showcase" meeting took place inside the White House, Smeal and others picketed outside.

At the heart of NOW's anger is its belief that the President has failed to use the full powers of his office effectively for E.R.A. ratification. After Indiana became the thirty-fifth state to ratify the constitutional amendment on January 18, 1977, a victory for which the new Carter Administration could take no credit, not a single additional state has ratified. With approval by only three more states needed, the constitutional amendment has either lost or been stalled in Illinois, Nevada, Florida, North Carolina and other Southern states as a result of political horse-trading, undemocratic tactics that keep the amendment bottled up in committee or floor defeats by heartbreakingly narrow margins of one or two votes.

On March 10, 1977, Carter met for fifteen minutes with leaders of fifty-five women's groups who represented millions of American women, and said he had "done his best" in pressing for E.R.A. ratification. According to NOW, "his best" had consisted of making a few last-minute phone calls to legislators before a vote. His practice is to avoid getting personally involved but to use his wife, daughter-in-law Judy Carter and White House aides as surrogates.

During two separate campaigns in Florida, where E.R.A. forces felt they had an excellent chance for ratification, NOW asked the President to make a personal appearance in the state before the vote there and to devote an entire "fireside chat" to the amendment. But the Carter effort was again confined to several last-minute personal phone calls, and each time E.R.A. fell two votes short of ratification in the legislature. In the last few months, after Carter renewed his commitments to women's groups that he would go all out for E.R.A., his home state of Georgia again rejected the amendment. In Virginia, Senate approval fell one vote short, with one pro-E.R.A. Senator switching at the last minute because, he said, Carter's call for draft registration of women had made him change his mind about the amendment. Although in recent weeks the President has been more active personally in support of NOW's big push for ratification in Illinois, he has flatly rejected pleas that he endorse the women's movement boycott of nonratified states or exert Federal pressure on the holdout states.

A NOW report in January 1980 contrasted the "ineptitude of the Carter Administration's performance in state ratification campaigns, the paralysis in exerting any power inherent in the office of the Presidency" with its maneuvers in the 1980 primaries, particularly the all-out effort to win the Florida straw votes in October and November 1979:

> The state was drenched with $85.6 million in federal grants, a $1.1 billion loan guarantee, trips into the state by the secretaries of Labor, Defense, HUD, HEW and the heads of the Veterans' Administration, the Federal Aviation Administration, the White House Domestic Council, the vice president, the first lady and the President himself. In addition, 300 Floridians were invited to Washington for high-level briefings on foreign and domestic affairs that concluded with a reception in the White House and influential Catholics were invited to the White House reception for Pope John Paul II. Others were appointed to jobs in the administration or to federal commissions.

NOW has been unsuccessful in getting the Justice Department to pursue its demand for disqualification of District Court Judge Marion J. Callister, a Mormon Church official, who is hearing a lawsuit challenging the constitutionality of a 1978 act of Congress that extended the time limit for ratification of E.R.A. by the states until 1982. (Although the Carter Administration claims it played a crucial role in winning the favorable vote in Congress on extension, women closely involved in the campaign say Carter's assistance was sporadic and that he did not respond to specific requests for help on the night before the Senate vote.) As a result of NOW's outcry, Callister recently resigned from his high-level position as a Regional Representative in the Mormon hierarchy, which officially opposes E.R.A. and the extension, but he has refused to withdraw himself from this important test case, and his recent rulings have all gone against pro-E.R.A. groups seeking to intervene as defendants.

Feminists also charge that there has been a steady erosion of abortion rights under Carter, with a strong assist from Congress, which let itself be pressured by the anti-free-choice lobby into passing almost a dozen separate restrictions on abortion rights, including the ban on Medicaid coverage. Feminists knew from the outset that Carter was "personally" opposed to abortion, but fault him for his appointment of Joseph Califano as Secretary of Health, Education and Welfare. Under Califano, who later resigned, H.E.W. was so harshly restrictive in implementing the Hyde amendment banning Medicaid funding that government-financed abortions for poor women were reduced by more than 98 percent. Carter callously defended this by saying, "There are many things in life that are not fair, that wealthy people can afford and poor people can't."

Feminists are now worried that the President may even be easing away from his stated opposition to an anti-abortion constitutional amendment. According to a report in *Time* magazine of February 4, Carter left the impression with a delegation of preachers, including Jerry Falwell and Oral Roberts, that he would support "an anti-abortion amendment to the Constitution if it passes Congress." The White House denied that Carter had made such a statement, but the *Women's Political Times*, newspaper of the National Women's Political Caucus (N.W.P.C.), asked in a recent editorial: "How did Oral Roberts and others come up with the idea of Carter's support for such an anti-choice stand? Carter's position . . . remains ambiguous. If President Carter's stand on an issue like reproductive choice is not strong, does it mean that he, in reality, is not pushing for any of the issues so important to us—passage of the Equal Rights Amendment, day-care centers, etc.?"

So far, the anti-abortion constitutional amendment has gone nowhere in Congress, but if the Supreme Court upholds a recent lower-court ruling that the Medicaid abortion ban is unconstitutional, a big push for an outright con-

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stitutional prohibition of abortion can be expected. White House support or opposition could be crucial in a Congressional vote. Congress, of course, does not reflexively leap through Carter's hoops, but in the last session, Senator Alan Cranston, California Democrat, decided to withdraw his bill for a comprehensive child-care program because he could not get the President to support it. Commitment to increased child-care facilities had been one of Carter's key pre-election pledges.

Carter and his aides are generous with rhetoric in support of equal rights, and they brag about the number of women he has appointed, but words are cheap and it costs no more to appoint a woman than it does to appoint a man. When it comes to child-care programs, however, or other projects for women that involve spending additional money, Carter turns miserly.

Last year, in the battle of the budget that led to Abzug's abrupt dismissal, he ordered more than $15 billion in cuts in domestic programs, with women's job programs, health, family planning, displaced homemakers' training, education and nurses' training especially hard hit. Although some funds were restored by Congress, that is not likely to happen in the current budget-balancing mania. In the 1980 budget, while military spending went up (another violation of a Carter pledge to women), programs for women and children did not keep pace with inflation or fell far behind.

Carter has accelerated the process in the 1981 budget with demands for a $16 billion slash in domestic spending. Women are a majority of the low-wage-earners, the poor, the elderly and, along with their children, the welfare population; their unemployment rates are consistently higher than those for men, and minority women have the highest jobless rates. The impact of the Carter/Congressional budget cuts will fall more heavily on them than on any other group.

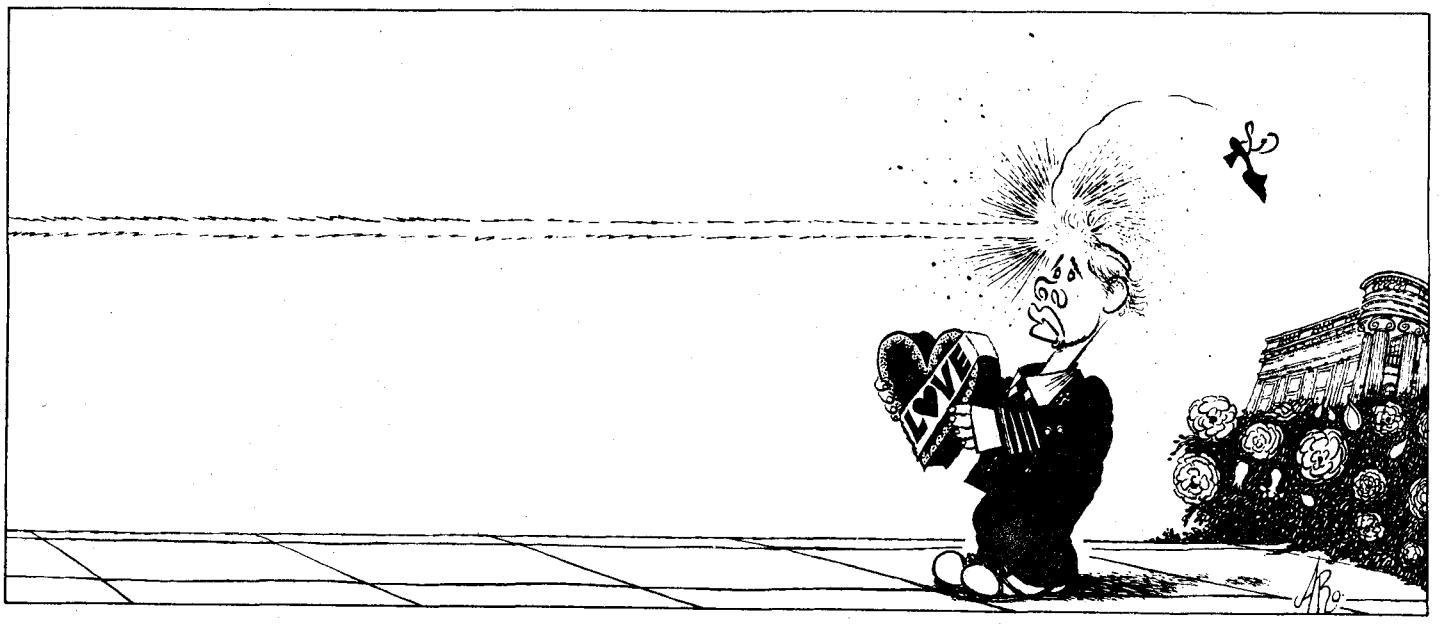
Despite the rising criticism of the Carter record by women's groups, his Administration maintains the self-congratulatory pretense that women have never had it so good. A typical campaign statement claims that "he has appointed half of all women Cabinet Secretaries in our history." Putting it more straightforwardly, each of the three previous Presidents had one woman department head in his Cabinet; Carter has appointed three, two of whom are now serving: Patricia Harris, who was moved from H.U.D. to H.E.W., and Shirley Hufstedler, named recently to head the new Education Department, after Juanita Kreps resigned as Secretary of Commerce.

Carter also claims to have appointed more than 1,900 women to top policy jobs, accounting for 22 percent of his major appointments. But a NOW analysis showed that about a thousand of his women appointees were named to honorary, unpaid, per-diem or temporary posts in the many commissions and committees that periodically streak like meteors across the executive branch firmament. That leaves about 900 women named to full-time, high-level "plum" jobs, approximately 11 percent of his appointments. If this looks good, it's only because the records of earlier Presidents are so bad.

Under legislation creating 152 new Federal judgeships, Carter had an unprecedented opportunity to increase the number of women in the Federal judiciary well above the token 1 percent of the Nixon/Ford Administrations. He appointed only thirty-two women, raising their presence in the Federal judiciary to 5 percent. When he named Federal Judge Hufstedler to his Cabinet, it was rumored that this was merely her first Washington stop on the way to a Supreme Court appointment, should an opening occur, but Carter has always carefully avoided making a commitment to fill the next vacancy with a woman.

Undoubtedly, many of Carter's women appointees are of extremely high caliber. Some came to his Administration directly out of the women's movement, strengthening the feminist consciousness that already existed among women in the middle echelons of the executive bureaucracy when Carter took office. That trend would appear to be irreversible, no matter who is President.

Feminists outside the power structure admit that women in the Federal Government are making progress in researching, reviewing and recommending reforms in discriminatory



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practices, but they see glaring weaknesses in the executive branch, particularly in the Justice Department's enforcement of affirmative action and civil rights. One woman holds the rank of Assistant Attorney General, and Marcia Greenberger, a lawyer with the Center for Law and Social Policy in Washington, says the department's performance, under both former Attorney General Griffin Bell and, currently, Benjamin Civiletti, has been "very disappointing. It simply hasn't allocated adequate resources, time or attention to solving problems of sex discrimination." Not one suit involving sex discrimination in education has been initiated by the department since Carter became President, although discrimination remains pervasive in admissions policies, financial aid, vocational education, intercollegiate athletic programs, student benefits and sexual harassment of women students by male faculty. Institutions violating the rights of women under Title IX of the Education Act amendments of 1972 could have Federal funding cut off, but there has been no action under the statute.

Nevertheless, when Carter announced his draft registration plan for men and women in January, he seemed to assume that women would automatically support it in gratitude for his alleged achievements in behalf of women. Leaders of the major women's organizations were summoned to the White House and lectured by Presidential assistant Stuart Eizenstat on their responsibilities: if they were for equal rights, they were told, they had to be for draft registration. Some of the women's groups were intimidated into neutrality on the issue, but NOW, the National Women's Political Caucus and a dozen other women's organizations joined in a Washington press conference organized by Abzug's new lobbying and communications network, WOMEN USA, and announced their opposition to drafting either men or women. "When we have equality of opportunity, it will be time enough to talk about equality of sacrifice," Abzug said. Most of the feminists agreed that if a draft were necessary, women as well as men should be required to serve, but they challenged Carter's use of the draft issue as a clumsy attempt to stir up war hysteria.

Women leaders were also annoyed by Carter's misuse of a women's rights appeal to divert attention from the legitimacy of registering anyone, male or female, and some believe his linkage of equality for women to a military draft created subliminal mischief by strengthening anti-E.R.A. fears. Women can be drafted, E.R.A. or no. In addition to the failure of the Virginia legislature to ratify E.R.A., supporters of the amendment in Indiana decided to hold back their ratification bill from the present session of the legislature because the draft debate had made the climate so unfavorable for women's rights.

The anger and disgust with Carter among feminists is indisputable. How these attitudes will be expressed in the Presidential election campaign is another matter. When NOW took its anti-Carter stand in December, Smeal and other executive board members were planning to follow up with an endorsement of Senator Edward Kennedy, who was a leader of the E.R.A. extension vote fight and has achieved a 100 percent voting record on women's issues in his seventeen years in the Senate. But with Kennedy's chances looking so dismal at that point, they were persuaded to hold off, and the NOW leadership has apparently decided since then not to make any formal endorsements, though NOW chapters and members in various states are working hard for Kennedy.

Last fall, Abzug tried to organize an independent bloc of women delegates to the Democratic convention, based on a tactic of nominating "favorite sisters" in the various states, but that approach did not take hold. In November, she held a press conference with Gloria Steinem, Iris Mitgang (chair of N.W.P.C.) and several other women leaders to urge that women use their political clout to get the candidates to act on women's issues before anyone jumped on any particular bandwagon.

After meeting in Washington with Abzug and other feminists, Kennedy made several speeches specifically on women's themes and issued an Economic Bill of Rights for Women, which outlined his past voting record and made detailed commitments on legislation and policies he would support and initiate as President. He subsequently won the endorsement of Abzug, Steinem, Costanza, Cissie Farenthold, Mildred Jeffrey and other political feminist leaders.

Carter's women appointees are the mainstays of his claims to support among women. He has also benefited indirectly from the success of the feminists' campaign to insure that women constitute 50 percent of the delegates to the Democratic convention in August. Without any particular enthusiasm for him, many women have run and won as Carter delegates because they felt that was the best way to get to the convention. If Carter doesn't make it on the first ballot, large numbers could be persuaded to switch to Kennedy on the basis of his superior voting record on women's issues. A Carter victory, on the other hand, might lead to a walkout by some women delegates.

Where would they go? Some might decide to sit out a Carter-Reagan contest and concentrate instead on Congressional and local races, particularly where pro-E.R.A. and pro-abortion candidates or incumbents are facing tough opposition. Some would move to John Anderson's candidacy. The Illinois Congressman has won accolades from some women's rights advocates because of his strongly favorable positions on E.R.A. and abortion, but as a fiscal conservative he has consistently voted against funding for women's programs. Other women might go to the newly formed Citizens' Party, with Barry Commoner and LaDonna Harris as its slate, or to other minority parties. And some will begin discussing and planning a more cohesive national women's political strategy, including independent women candidates and possibly even an independent women's party or bloc, in preparation for the next Presidential campaign.

According to the "Notes on People" column in *The New York Times* of April 14, Carter told his weekly Bible class the day before that "women have gone about as far as they ought to go now." Everything's *not* up to date in the White House. Women can go much further, but they're not going in Carter's direction. □

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BOOKS & THE ARTS.

Double Vision

RICHARD POLLAK

WITHOUT FEAR OR FAVOR: An Uncompromising Look at *The New York Times. By Harrison E. Salisbury. Times Books. 630 pp. $17.50.*

On page 419 of *Without Fear or Favor*, Harrison Salisbury tells us that in the early 1970s the quality of the Washington press corps—*Times*men included—had not "radically changed" since Arthur Krock observed forty years before that it "is a sub-calibre group—lazy, sycophantic . . . often stupid, devoted to the 'huddle' instead of original research in the quest for news. . . ." Twelve pages later, the author maintains that over the years the *Times* Washington bureau had done what he calls "a superlative job."

This is no isolated case of "our forgetful author" but just one of the persistent indications that two Harrison Salisburys are at work here. One is the clear-eyed, tough journalist: winner of a 1955 Pulitzer Prize for his coverage of the Soviet Union, "loser" of another Pulitzer in 1967 when his dispatches from Hanoi proved too controversial for a majority of the prizes' trustees, former national editor of *The Times,* creator of the Op-Ed page, author of nearly a score of books and one of the dozen top reporters of his time. The other, like any person who has worked for one institution thirty-one years, owes at least part of his soul to the company store.

When such a debtor undertakes a history of the company while still on its payroll, he sinks deeper into hock. And Debtor Salisbury pays up in full, sometimes adding embarrassing dollops of interest. Trumpeting a major theme of his book, he writes of the paper's

> transition from "good gray *Times*," repository of moral enlightenment, historical record and beyond-the-need-of-duty loyalty to the Establishment, to its new but still unacknowledged role of guardian of the public interest, of living embodiment of the First Amendment principles bestowed upon the press by the founding fathers, of modern fulfillment of the rhetorical statement of Edmund Burke in 1790 that in Parliament sat the three estates—the peers, the bishops and the commons but that "in the Reporter's Gallery, yonder, sits a Fourth Estate more important than them all."

This music swells on page 34 and, harmonized with the book's titular twaddle (plucked from Adolph Ochs's puffed-up credo), raises fears early on that Debtor Salisbury may be grinding the house organ *furioso.* Fortunately, Reporter Salisbury quickly comes to the rescue.

What glues the book together, and the reader to it, is Reporter Salisbury's lengthy account of the Pentagon Papers tale. Drawing on his unique access to *Times* participants, and scores of additional interviews, he weaves a narrative that tells us for the first time what really happened in the battle over the documents. Here are Neil and Susan Sheehan, checking into the Treadway Motor Inn in Cambridge, Massachusetts, as "Mr. and Mrs. Thompson," lugging sixty pounds of papers in shopping bags to all-night copying parlors. *The Times* did not know what they were duplicating, "although it provided the $1,500 [in costs] after a rather ill-tempered bureaucratic squabble." Here is former Attorney General Herbert Brownell, now head of Lord, Day and Lord, *The Times*'s law firm, advising the paper not to publish as "a matter of patriotism." Brownell and his colleagues even declined to read the material for fear of violating the Espionage Act. *Times* house counsel James Goodale "argued like a terrier" that it was the paper's duty to publish, and when that view prevailed and the Government sued to halt publication, Lord, Day and Lord refused to defend its client. Here is Richard Nixon sitting in the Oval Office suggesting that he himself might argue the Government's case in the Supreme Court, all the while looking back wistfully on his Hiss glory and repeatedly telling his aides that court decisions are never as important as solid public relations victories.

The "Top Spook" episode typifies the rich detail of Salisbury's reporting. After *The Times* won the first round in the Pentagon case, the National Security Agency sent a troubleshooter up to New York to fret over sensitive aspects of the papers. He arrived with "Joe," his bodyguard. Joe carried two holstered revolvers; the N.S.A. operative wore two more, one prominently strapped to his chest. Harding Bancroft, a *Times* vice president, met alone with the Top Spook in a small room off the library of the Bar Association of New York.

Not even Whitney North Seymour, the United States Attorney who had prosecuted the case, was allowed in the room. He and a *Times* lawyer paced outside while Joe stood by the door, guns in plain view. The meeting ended with no firm agreement about anything, and the Top Spook—Milton Zaslow, deputy director of N.S.A.'s office of production—evaporated, never to be heard from again.

Reporter Salisbury takes us behind the scenes of *The Times*'s often heroic coverage of the civil rights movement in the 1960s, including a detailed account of his own descent into the racist hell of 1960 Birmingham, Alabama, and the historic libel case (*The New York Times* v. *Sullivan*) that grew out of his reporting. And he provides a thoroughly fair-minded portrait of *The Times* playing catchup on Watergate: "The signals [of the Pentagon Papers experience] had not been clearly read, had not been understood and integrated into the thinking of *The Times* editors," he writes, adding that Woodward and Bernstein "were not thunderstruck if the trail led them to the doorstep of the high and the mighty."

But the most instructive section of the book explores *The Times*'s relations with the Central Intelligence Agency over the years. On February 7, 1966, a five-part series on the C.I.A. was submitted to John McCone for vetting. In turn, the former C.I.A. head produced a list of challenges. "Few of McCone's questions dealt with matters of great substance," writes the author. Indeed, many of McCone's suggestions were ignored. Not, however, his complaint about "terrorism" as a C.I.A. tool. The word was stricken.

Richard Pollak, The Nation*'s press editor, was a founder of* MORE *magazine and its editor from 1971 to 1976. His book,* Up Against Apartheid: The Role and the Plight of the Press in South Africa, *will be published next year.*

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At lunch with several top editors, McCone urged that the series be killed regardless of the changes, arguing that publication in *The Times* gave the investigation a visibility and credibility not in the national interest. The series ran nonetheless, but his point was not lost. When half a dozen publishers eagerly sought to turn the series into a book, the alarms rang loud in Langley, Virginia. Richard Helms, then Deputy Director of Central Intelligence, and Tracy Barnes, his chief assistant, came to New York and met with publisher Arthur Ochs Sulzberger and executive editor Turner Catledge. They argued that "newspaper publication had been bad enough; if the series appeared in book form it would be much worse; there would be a permanent, easily accessible record. They simply didn't want such a record available. Punch [Sulzberger] thought this was reasonable. *The Times* was a newspaper not a book publisher (this was before *The Times* had its own book subsidiary) and so it was agreed. No book."

The paper stayed on the C.I.A. case throughout much of the 1970s, most notably via the pant-leg ferocity of Seymour Hersh. At one point, not the least of his obstacles was his employer. Early in 1975, seven *Times* leaders lunched with President Ford at the White House. To their astonishment, he told them the C.I.A.'s foreign operations were "a cesspool" that, if revealed, would "ruin the U.S. image around the world"; killings, even assassinations of foreign leaders, dated back to the Eisenhower Administration. Instead of sprinting to their man Hersh, the well-fed *Times*men fretted over whether Ford's remarks had been off the record. James Reston, by then executive editor, said of course they were. Washington bureau chief Clifton Daniel and editorial page editor John Oakes agreed. Columnist Tom Wicker and managing editor A. M. Rosenthal felt the President wouldn't have disclosed such information if he hadn't wanted it followed up. Sunday editor Max Frankel had to catch a plane to New York and Punch Sulzberger bowed to the collective wisdom of his editorial hands. Daniel finally called Ron Nessen, Ford's press secretary, who said by all means the lunch was off the record. Rosenthal and Daniel tried to nudge Hersh in the right direction without breaking the sacred confidence. But in the middle of this gavotte, Daniel Schorr broke the story on *CBS News*.

Meanwhile, the *Glomar Explorer* extravaganza was heating up and William Colby, Director of Central Intelligence, dashed about frantically trying to contain it. Citing the military nature of this ongoing operation to raise a sunken Soviet submarine, Colby persuaded *The Times* and the rest of the major media to hold off. Only when Jack Anderson decided to bolt from the timid pack did *The Times* unleash Hersh. The *Glomar* story had been simmering for months before it finally splashed onto page 1. More than a year before, Colby "chanced to lunch" with Punch Sulzberger in New York and warned him of the sensitive nature of *Glomar*. "Sulzberger . . . was great," Colby later told Gen. Brent Scowcraft, then deputy to Henry Kissinger. "He was delighted to be trusted. . . ."

Reporter Salisbury fully understands the consequences of all this coziness, the repeated "failure to consult precedent; an impulse to react positively and even appreciatively to a call, a request, a suggestion of a Colby, a Kissinger." Still, Debtor Salisbury would have us believe, despite the evidence he piles up against himself in this book, that *The Times* has "profoundly changed" in the last twenty-five years. In particular, he sees the Pentagon Papers victory and the *Sullivan* libel decision (along with its companion case, *Connor*) as a legal watershed that has left the press freer than ever to do its job.

That is undeniably true, and *The Times* deserves great credit for carrying the flag. And it would be churlish to suggest that the paper is quite the toady it was in earlier days, days when, as Reporter Salisbury amply demonstrates, no one even thought of examining the C.I.A., and patriotic correspondents occasionally played footsie with the agency.

For all this, however, *The Times* remains pretty much what Adolph Ochs meant it to be, a reassuring daily tom-tom for the well-heeled established order. The white faces of our leaders still stare out at us each morning from the front page, their official pronouncements dutifully reported and edited by a staff heavy with power junkies panting after their own luncheon fix at the White House. Some forty correspondents girdle the globe at lavish expense, yet management seems unable to find the subway tokens necessary for regular coverage of Harlem, Bedford-Stuyvesant and the South Bronx. Instead, the "creative violence" of A.M. Rosenthal has given us the "Living" and "Home" sections: Gibbon with recipes. Reporter Salisbury regards this "soufflé" with a certain implied disapproval, but Debtor Salisbury swallows whole the company's rationalization that without the new bloat, advertising and circulation would not be sufficient to bring us the Ayatollah.

Why not make *The Times* smaller? You could juice any issue in a Cuisinart and at least half the "news" would come out disposable pulp. But *Fortune* 500 corporations, one of which The New York Times Company now is, do not think small. Nor do most big-time journalists. Like their bosses, they are comfortable viewing the society (and presenting it to us) from the top down. A five-part series on Bed-Stuy, if ever put together, would not likely get vetted by a Neediest Case from the neighborhood. The author knows this. He knows, too, that a good journalist must be something of a pariah, that he must, in I. F. Stone's words, "sit in [his] tub and not want anything." Reporter Salisbury spends a good deal of this book in his tub and we profit from our immersion with him; but Debtor Salisbury steps out for the talc far too often. □

Looking Backward

HANS KONING

THE OAK AND THE CALF. *By Aleksandr I. Solzhenitsyn. Harper & Row. 540 pp. $15.*

It is ingenuous to fear (or hope) that the appearance at this particular time of Solzhenitsyn's new book, *The Oak and the Calf*, will increase the danger of war (as ingenuous as the author's apparent belief that the West had been waiting for his book before deciding that Bolshevism was the Enemy). In any case, there is not much new here. *The Oak and the Calf* itemizes the now well-known struggles of the author with Soviet officialdom, from the winter of 1961-62, when Aleksandr Tvardosky of the magazine *Novy Mir*

Hans Koning is a New York novelist whose forthcoming book is America Made Me.

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decided to go to bat for *One Day in the Life of Ivan Denisovich*, to Solzhenitsyn's arrest in 1974 and expulsion aboard a plane with eight policemen as fellow passengers. If we ask, as I did, why this account is published only now, six years later, the answer is that for some reason Solzhenitsyn wished it so.

I cannot understand his reason, but the book would seem to show that six years in the West have not led him to change his ideas about anything, have not taught him to add a grain of humility or qualification to his views; from a man who is convinced that his every step and thought are directly inspired by God—as he repeatedly confirms in this book—this should presumably not have been expected. Thus, in all the furious attacks on Soviet publishing there is no hint here of awareness that publishing in the West, too, may have its politics, that our commercial marketplace has a veto, just as any state publishing house, and that the Conspiracy of Silence, as Pascal called it, may take care of our Solzhenitsyns without need of secret police or prisons.

Not that Solzhenitsyn admires Western ways, of course; when no Western paper picks up an interview he has given a Japanese correspondent in Moscow, he writes: "If in some out-of-the-way spot, in Polynesia or New Guinea, let's say, the most fugitive report had appeared that some Greek leftist had failed to find a publisher in Greece for one single paragraph of his work, we should have had Bertrand Russell and Jean-Paul Sartre and the Labor left screaming bloody murder, expressing their lack of confidence in the British Prime Minister, hurling imprecations at the American President, and promptly convening an international congress to anathematize the Greek butchers [this was written when the colonels ran Greece], whereas if the process of smothering a Russian writer . . ." etc., etc. This is vintage Spiro Agnew, as is, for instance, a crack about the government journalist Victor Louis ("There was no Louis; he was really Levin"), and it goes on like that right through the narrative. We are "soulless mercenary products of a Western upbringing," and "excessive ease and prosperity have weakened our will and reason."

I think many American writers who live very much less comfortably than Solzhenitsyn did even during his days of harassment are entitled to resent this sort of stuff, as are those of us who went to prison, voluntarily, to stop the Vietnam massacre of which Solzhenitsyn during all those years takes note in just one snide sentence about "the democrats of North Vietnam." As for the several contemptuous references to Sartre, I consider Sartre's refusal of the Nobel Prize (at a time when he was already quite hard up) more inspiring than Solzhenitsyn's fulminations against the "Swedish cowards" from Premier Olof Palme on down. In fact, most of these diary notes seemed an unpleasant mixture of contempt for almost everyone and of a feeling of self which may have steeled the man in adversity, but which is nonetheless pure megalomania. After he has sent in his Nobel Prize lecture, he notes his "surprise" that it produced "no big shift of opinion, no shock of realization in the West."

I am, needless to say, not equating U.S. prisons with Stalinist camps, nor am I implying that a great writer cannot be a megalomaniac. But *The Oak and the Calf* is not fiction; it is a political diary and must be judged on its politics. If Solzhenitsyn sees himself as the calf butting and uprooting the Soviet oak, well, fine, but why then is he so endlessly surprised that during all those years the publishing apparatchiks were less than fond of him? Why, since he quotes with approval a letter to the Politburo which says, "May the paralysis with which God punished your first leader, serve as a prophetic prefiguring of the spiritual paralysis which is now inexorably advancing upon you," and writes elsewhere how people in the West do not understand that you cannot mollify "the enemies of the human race" with concessions but have "to slug them," is he surprised that they thought his writing might undermine the state? Why does he not show more sympathy, or maybe even some guilt, toward Tvardosky of *Novy Mir* who, though a party member, stuck out his neck for him and in the process lost first his magazine, then, from sorrow, his life, and who is perhaps the real hero of this book?

It will be answered that Solzhenitsyn was consciously but secretly at war with the Soviet establishment, and that in this unequal struggle he was entitled to any and every subterfuge and tactic.

An acceptable postulate. But what does not seem acceptable to me is that this man, in a lifetime of political thought and writing, has not once come to grips with the question: Are these men and women of the Soviet establishment indeed nothing more than devils "with the mark of Cain"? Is that all there is to the system? Is it not, for instance, more concerned with the simple welfare of the common people than were, say, the Greek colonels or Suharto of Indonesia, of whom he approves? Isn't he elitist and selfish to equate his interest, or the interest of the dissident intellectual, with that of "the people" who, worldwide, are as hungry, as ill-clad, as disease-ridden as ever? In fact, would a majority or even 10 percent of the people in the U.S.S.R. agree with his statement that "Life in Russia will never again be as sweet as in the summer of 1914"? Not only has he not come to grips with this question, it obviously has never existed for him, and in his stand against the Russian Revolution and all similar attempts, he has no more reassuring political thought or remedy to offer than a return to the orthodoxy of the Russian Church complete with saints and holy days.

Yet there may be political situations in which the human right to eat and be housed and get an education may be at

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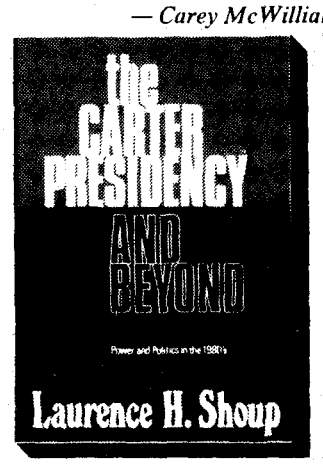

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loggerheads with the human right to freedom of speech, and may even have priority. (If Allende had been less liberal . . .) I do not believe that this is the case in the U.S.S.R.—not sixty-three years after its revolution. But if those old men in the Soviet establishment, under their cover of nuclear missiles, feel as besieged as ever, perhaps some of the blame lies with our establishment, which so blissfully and uncritically has taken Solzhenitsyn to its heart as "the hero of our time." □

Unhappy Anniversary

CHARLES THOMAS

THE KENT STATE COVERUP. *By Joseph Kelner and James Munves. Harper & Row. 416 pp. $15.*

One of the few useful byproducts of our adolescent adventure in space was the introduction into the language of the term "burned out." Originally it referred to a rocket that had used up all its fuel and converted from a functioning mechanical/chemical system to a drifting piece of debris. But the term quickly gained wider use in a society that uses up and discards people more rapidly than it does rockets.

Joseph Kelner, the co-author of *The Kent State Coverup,* is the sort of successful New York City attorney who might have lived his life without risking a "burn out" had it not been for the events of May 4, 1970, when Ohio National Guardsmen brutally killed four Kent State students and inflicted varying degrees of mutilation on nine others. For Kelner was the chief attorney for the parents of those students in the civil trial that finally—after five years of the Justice Department's successful evasion of its responsibility to prosecute the murderers—was held in 1975. This trial came close to being Kelner's personal burn out because every scrap of evidence and every consideration of human fairness and decency said he should have won. And having lost, he was forced to confront some ultimately disturbing truths about his own profession, the concept of justice itself and human nature in general.

I am probably too close to this situation to review this book dispassionately. Kent State was my personal burn out as well. Working on the staff of the National Archives in 1975, I literally stumbled upon evidence that the Scranton Commission—the first body to conduct a public inquiry into the murders—had been sabotaged by Nixon "plants" on its own staff. (More to the point, as far as my superiors were concerned, was my additional discovery that the archives had, at the behest of Nixon's Justice Department, locked the Scranton files away for seventy-five years, a restriction it was finally forced to admit was illegal.) Word of my discovery slowly got around, and by the end of the year, Arthur Krause—whose daughter Allison was torn apart by an M-1 bullet at Kent State while trying to take cover behind a parked car—asked me to give the story to the press. On January 8, 1976, I did.

What happened next has become a routine story in the Federal bureaucracy: notices about "unsatisfactory performance"; orders to undergo psychiatric treatment (with a Government-designated "therapist"); letters of reprimand; transfers of my desk, first to a freezing film storage area, then to an abandoned department store where the archives had leased some space; reduction of professional responsibilities until I was finally doing manual labor. All along the way, there were those little personal touches such as my discovery that the agency's surveillance files on me had been coordinated by my "best friend."

When Rowland "Doc" Freeman took over as the head of the General Services Administration (of which the archives are a part), he tried to stop the harassment, although in the end the best he could do to protect me was get me a job in another city. But Freeman's help, welcome as it was, came too late to save my faith in my country. The truth about Kent State infects those who face it with its own *Weltschmerz,* a pervasive depression that never abates. "This thing has destroyed everyone it has touched," Art Krause told me, when I was agonizing over whether I should "go public." And Krause, the eternal pessimist, the man who never really believed justice would be done his murdered 19-year-old daughter, has been right.

My discoveries concerned the Kent State coverup at the national level; Joe Kelner encountered it at the state level, in a trial that Kafka wouldn't have dared to invent. In re-creating the trial here, Kelner and writer James Munves are not shrill—just bemused, as if they still cannot believe what happened. And they leave the reader equally dumbfounded by simply reconstructing the whole process, day by day, witness by witness, motion by motion. If it were fiction, their account would be dismissed as wildly overdrawn, fantastic, even paranoid—something that could never happen in a real courtroom. But the record is there: the obvious determination of the judge to get the guardsmen off at any cost; the bear-trap biases of the Ohioans on the jury; the defense's incredible premise that the students were somehow guilty for having been shot, that the victims were somehow the criminals.

Kelner's grim education began early on, in an exchange with Robert Stamps, who was shot and survived only to be persecuted for it. Stamps predicted what to Kelner seemed impossible—that they would lose.

> "You don't know the people around here," Robbie Stamps told me. "They hate us. They *wanted* us shot. To them, the minute we get into that courtroom, it will be *us* who are on trial, not the guardsmen."
>
> I explained that prejudice was nothing new and that our system of justice was designed to overcome it. . . . "Robbie," I said, "you've got to give the system a chance. . . . We have rules of evidence; the truth can't be kept out of a courtroom. The system does work."
>
> "Not in Ohio," Robbie said.
>
> "Wait and see," I advised. . . . One of the main benefits of this trial, I decided, would be to restore young people's faith in their country.

Of course, that's not what happened. Rather it is Kelner's faith—in his profession, in his society, in the "system"—that is tested by the Kent State trial. Long before the middle of his narrative, he is being assailed by the kind of doubts that rarely come to established trial lawyers:

> . . . I sounded like an apologist for the system that was destroying them. Were they right? Was I deluding myself? Was I hooked on the system merely because it had worked well for

Charles Thomas's article "The Kent State Massacre: Blood on Whose Hands?" appeared in the April 1979 issue of Gallery *magazine.*

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me, bringing me comfort and reputation, and was I now in the grip of something that would chew me up as it had them?

By the end of the book, the answers are all too obvious. Kelner and Munves re-create the shock when the jury acquitted the guardsmen (after weeks of testimony and evidence utterly devastating the guardsmen's alibi of self-defense); they briefly discuss the years of appeals and end with a cogent condemnation of the out-of-court settlement that gave the plaintiffs a pittance of cash and a backhanded apology.

Many Americans will doubtless react to this book as they have to the Kent State incident itself—by looking away and muttering rationalizations for looking away. Certainly it will be traumatic reading for anyone who still clings to a belief in the rule of law. But for those who feel that there is an intrinsic quality about truth that makes us seek it even when we sense it will bring upon us both horror and shame, this trip down through the circles of a trial lawyer's personal inferno may be valuable, even necessary. For Kent State is not over. Indeed, as Senator Lowell Weicker put it, "May 4, 1970, is not history. It is tomorrow." □

Chance's Encounters

EUGENE CHESNICK

THE TRANSIT OF VENUS. *By Shirley Hazzard. The Viking Press. 337 pp. $11.95.*

In Shirley Hazzard's new novel, people suffer loves they never get over and endure painful secrets to protect those they love. They do so, as the central character says, in the belief that "those who do not see themselves as victims accept the greater stress." Such expense of spirit causes one of the novel's transient characters to exclaim "wow" and "fantastic" at the incredibility of it. But there is no way for this book's themes to go unheard. The prose itself is proof against that.

Eugene Chesnick is at work on a novel based on the life of Charles Willson Peale, parts of which appeared in Prose *and* Michigan Quarterly.

What she had read had evidently made her impatient of the prime discrepancy—between man as he might be, and as he was. She would impose her crude belief—that there could be heroism, excellence—on herself and others, until they, or she, gave in. Exceptions could arise, rare and implausible, to suggest she might be right. To those exceptions she might give her whole devotion. It was apparently for them she was reserving her humility.

And later:

"We too," said Ted Tice. "We knew about things from books."

Caroline Bell sat on the grass with her bare arms about her knees. The turf was close as stitching: seamless England. The astounding trees were Weymouth pines, through which the sun came down in hallowed strokes like light into a cathedral. Matters must soon come to life for her that had only been known, like colouring, from books.

Ted said, "Like heat, for instance. Or love."

Those whose fates matter most in the novel, Caro Bell and her sister Grace, both newly arrived from Australia, the astronomer Ted Tice and the playwright Paul Ivory, are seen first when they are still young enough to have not yet fully become themselves. The novel insists upon the tentative and gradual unfolding of personality; maturity is assumed to be difficult and long to come by. Caro's reading does indeed have to be tested by experience, but *The Transit of Venus* is a highly literary performance and surely we are being led to believe that books themselves pay back experience with more subtle interpretations. A novel as good as this one would almost have to.

The experience of uneven love affairs is what we are reading and rereading here. Only Grace Bell is settled early in life; she marries a dull British bureaucrat. Ted Tice, from the first time he becomes acquainted with Caro, must face up to the reality of having to do without. His feelings for her will never be answered. A little older, he runs into her again and senses that she will go on from her talk with him to meet another man. The encounter means still another coming to knowledge. "Like a detective he noted callousness, the lover's indifference to the unbeloved. 'And there is nothing I can do to alter or stop any of it. She can destroy me and there is nothing I can do. I can't prevent her from sleeping with her lover this night, or from loving it and him.' " Ted, in his turn, later marries a woman who understands all too well the tempered capacity of his affection for her.

Caro's meeting that day is with Paul Ivory, a man of no constancy at all. He is married to a rich woman with lovers of her own and he returns to her at will. Again the obsession seems to go on and on, defying all turns of events. Once when with Caro, Paul Ivory gives directions to a taxi-driver. "You can let us off here. It's a cul-de-sac—once in, you can't get out." Emotional cul-de-sacs cannot be so easily directed otherwise. There is a little too much to Caro to allow herself to be submerged entirely, and Paul Ivory detects it. "There was the everlasting, irritating and alluring impression that she addressed herself to an objective beyond the small, egoistic drama of their own desires." But she does go through a lot, and when she is told Ivory's wife is pregnant so that she

DEATH

You drove it out of you years ago,
closed off that place, tried to forget it all.
You knew it wasn't in music, so you sang;
you knew it wasn't in silence, so you were still;
you knew it wasn't in solitude, so you were alone.

But oh, what is it that came about today
that you're as horrified as he
who suddenly at night discerns
a beam of light beneath the door
to the neighboring room
in which no one has lived for a long time?

Vladimir Holan
Translated from the Czech
by Káca Poláčková-Henley

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must be permanently discarded, her grief is harrowing. If the prose were to give way, it would certainly be at this point, but it never does and neither does Caro. "Though the dissolution of love created no heroes, the process itself required some heroism. There was the risk that endurance might appear to be enough of an achievement. This risk had come up before." There is no room here for overwriting or overvalued emotions.

Tied down by her feelings, Caro is also stuck with a boring London office job, part of a world of women whose lives are of such day-to-day dreariness that it is "hard to say how or why they stood it, the cold room, the wet walk to the bus, the office in which they had no prospects and no fun." Relief from the routine comes for Caro, if not for the others who are still stranded (chance being highly selective in bestowing such opportunities), with marriage to a wealthy American, Adam Vail, whom she first meets when he is trying to persuade the British Government to help him prevent the execution of a group of South American political prisoners. Vail is a man of wealth, and of substance and decency as well. Caro moves to New York where she sets about taking in her changed circumstances. "A ceaseless milling of persons was unnatural, ludicrous, determined as the acceleration of an old movie. There was anonymity and extreme loneliness, but little reverie and no peace. Apartments were cabins in great liners docked along the streets."

In a book such as this, with the story spread over a span of time so that the novel-reader can satisfy his curiosity as to how lives will turn out, the times themselves require careful depiction. The announced background is the Korean War, but the first fully rendered scene takes place in the south of England. The scene is a measured one and each of the characters, Caro and Grace and Ted, is properly placed in attitude and role. "It would take a bombshell, later, to clear the mental space for a scene such as this." When Paul Ivory shows up in the novel it is clear he is a forerunner. He is the first one to learn to dress casually in a jersey and cotton trousers and canvas shoes—a casual style to disguise a not at all casual self-absorption. Can life style be far behind?

By the latter part of the novel the international upheavals are underway. Scenes must alternate with summaries of disheartening occurrences.

> In America, a white man has been shot dead in a car, and a black man on a veranda. In Russia, a novelist had emerged from hell to announce that beauty would save the world. Russian tanks rolled through Prague while America made war in Asia. In Greece the plays of Aristophanes were forbidden, in China the writings of Confucius.

The scenes themselves are deliberately more abrupt, the pace more irregular.

Through it all, Caro uses her new freedom and mobility to become an increasingly fine observer. In South America she talks to a poet recently released from prison but crippled from torture and doomed to be sent back as soon as the Government is overthrown. She listens as he explains himself. " 'Any proper struggle against injustice is an access, merely, for more normal confusion. For myself, there's nothing I'd like better than to go back to squabbling about usual things.' " She thinks of the fools she has known and wonders why he should have to die so that they "can waste the world's time." He tells her that despite all he has endured he has learned that to be too thoroughly on the right side is also to err, because the right side can impose its lies. "Even the right side rather dislikes the man who stands alone," he says; and she recalls what a woman she once knew said about the uncommon man being the one who gets everybody's goat.

By now Caro has become an exceptionally uncommon intelligence for any novelist to achieve. Returning to the United States, she undertakes a translation of the man's poems, which she cannot get published, but she receives an amused note of encouragement from him saying that if he dies under the spectacular conditions of imprisonment the publicity should be enough to get the poems published, which is exactly what happens.

Personal tragedies take their toll. Adam Vail has a stroke. His life was much shorter than it ought to have been. Caro is left to roam about, her practice in isolation standing her in good stead. Ted Tice has become famous and he and his wife are invited everywhere in the world, always taking their failed marriage with them. Paul Ivory reappears to tell Caro that his son is dying of leukemia. He confesses that once in order to get out of a fix he deliberately let someone be drowned. In their talk it is discovered that Ted was in a position to know what had happened and the full extent of what he has kept to himself is clear. Caro and Ted meet in Stockholm and arrange to meet again in Rome, she flying down before him, and he joining her shortly, a rendezvous that never takes place.

What we are smack up against in *The Transit of Venus* is a legitimately tragic imagination as determined in its way as Hardy's or Hemingway's in the context of their own times. Cruel things happen to people. Lives that seem open can close quickly. Options cannot be kept open because "options have a season of their own," we are told. The novel is filled with that old-time convention, chance encounters; of course the convention is also a conviction that on such things much depends. We can be sure of the sorrow of events even if uncertain about the reasons, so that we are left to speculate upon the unpredictabilities of chance and the tremblings of cause. Caro's own life comes to an end because of that frequent accident that our technology has devised (the plane taking her to Rome crashes), but the accident seems enclosed within a fate, as a life is enclosed within an era. □

The People? Yes.

BRUCE KUKLICK

A PEOPLE'S HISTORY OF THE UNITED STATES. *By Howard Zinn. Harper & Row. 614 pp. $20.*

Howard Zinn admits that "a people's history" is not the best description of his work, and I've tried to understand it by figuring out what would be the best description. The book is clearly about the oppression of the people: there are eloquent renditions of the destruction of Indian culture and rich analyses of the torment of the slaves, their revolts and their degradation after the Civil

Bruce Kuklick is editor of American Quarterly *and chairman of the history department at the University of Pennsylvania. His most recent book is* The Rise of American Philosophy *(Yale University Press).*

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War. There are long explorations of the misery of the working class, its attempts to avoid becoming cannon fodder in American wars, and its struggles to form unions. Much time is also devoted to the study of left and radical politics. Finally, Zinn writes of the subjugation of women, although here I was struck by the brevity of his treatment, as if he were a relative latecomer to feminism who hadn't fully integrated its views into his own.

At the same time, Zinn has almost nothing to say about the daily texture of the social life of the people and, what is more surprising, there is no discussion of the people's religion—surely a central aspect of American experience in the seventeenth and eighteenth centuries and an important element in much of the nineteenth.

On its face, then, Zinn has written a book about class conflict and the awareness of such conflict among the masses. Eric Foner, writing for *The New York Times*, has pointed this out in arguing that Zinn has related only part of our history. What is needed, Foner says, is an integration of Zinn's narrative with a similar narrative about the elite. But Foner's analysis also falls short of understanding what Zinn is doing.

When Zinn comes to the post-1945 period, he actually spends much of his time exploring the doings of the elite. There is an extended summary of cold-war diplomacy from a "revisionist" standpoint and lengthy examinations of the connections among corporate, business and military leadership. Watergate is nothing if not an elite affair; yet Zinn has much to say about it.

The book is actually a radical textbook history of the United States. It's designed to give the left a usable past and, I think Zinn hopes, to inculcate into students a certain view of America. One gets a sense of this from the historical tempo. Zinn's 600 pages cover almost 500 years of history; yet one-third of the book is on the last sixty years, one-quarter on the last thirty. Fifteen percent of the book is spent on Zinn's favorite decade in the history of humankind—the 1960s.

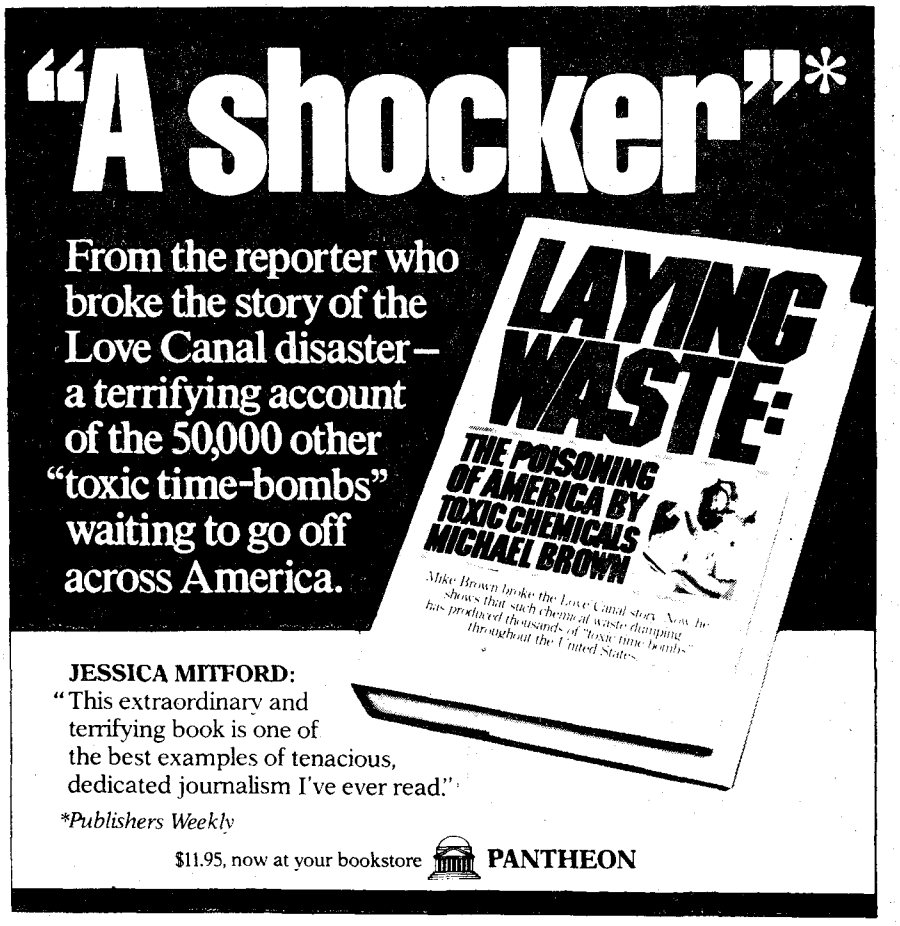
I don't mean to derogate *A People's History* by assessing it as a radical textbook. Zinn writes clearly and articulately; his narrative is coherent and thematically unified. On the assumption that textbooks are socializing agents I prefer this sort of text to the usual ones celebrating industrialists and Presidents, texts for which Zinn has an ill-concealed but justifiable contempt.

At the same time, the book suffers the defects of the textbook genre. Its comprehension of issues is stunted; its understanding of materials is unnuanced. *A People's History* doesn't rise above these standard textbook problems in the way that, say, a rare sort of text like Carl Degler's *Out of Our Past* (1959) does. Degler's biases are liberal, but he brought to his task a subtlety and sophistication that Zinn doesn't possess.

Take Zinn's neglect of religion. Most of the time, I suspect, he believes it's the opiate of the masses, and wants to dismiss discussion of "the people" in their drugged state. But such a view not only ignores something important about the people but also overlooks the revolutionary and anti-elite dimension to American religious belief. The Massachusetts antinomian controversy, the Salem witch trials, the periodic revivals and contemporary cult movements all display this potential, yet Zinn neglects them all.

Another set of examples: his radicalism to the contrary, Zinn is unable to realize that the resilience and shrewdness of American liberalism are the greatest enemies of the left reform he hopes for. He can't resist writing some sympathetic words about the New Deal, despite the fact that Franklin Roosevelt, more than any other single person, is responsible for the twentieth-century success of the system Zinn abhors. When he treats Joe McCarthy, he goes no further than the liberal notion that the Wisconsin Senator was a grotesque anti-Communist. Zinn doesn't see that McCarthy saw through a glass darkly: part of his message to "the people" was that internationalist diplomacy was the product of a smug ruling class whose policies had the chief consequence of sending the ruled off to needless wars. This veiled message was also surely part of McCarthy's appeal.

Perhaps the most significant example comes from reviewing Zinn's attempts to grasp the failures of "the people" over five centuries. His story is of continuous expressions of class consciousness and solidarity. For Zinn, the workers, the poor, the oppressed know who their enemies are, and their history is one of persistent and recurring attempts to throw off the oppressors' yoke. Yet they never succeed; indeed, Zinn effectively admits that they've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failed again and again by noting how successful "the system" has been at containing or transforming protest. How do we explain the people's constant failure and the elite's constant success?

Zinn's text is so blunted that it has only mechanistic answers to this question. The ruling group found "a wonderfully useful device," the symbols of nationhood; "the profit system" began to look overseas; the system had "an instinctual response" for survival; "American capitalism" needed international rivalry and demanded a national consensus for war, and "the system" always responded to pressures by "finding new forms of control."

I don't find these explanations very sensitive; they reflect, again, the failures of the textbook genre But all this is not to say that Zinn's is not an excellent text. It's rather to say that one should read Carl Degler first. □

FILMS

ROBERT HATCH

On the Nickel
Charles and Lucie
The Thirty-Nine Steps

Ralph Waite, author, producer, director and co-star of *On the Nickel*, is known to millions as John Walton of TV's *The Waltons*. He has acted on Broadway and in films (*Five Easy Pieces* and *Lawman*, among others), worked as an associate editor at Harper & Row, and he founded the Los Angeles Actors Theater. He is also a Presbyterian minister and, before he became an actor, presided over a congregation on Long Island. It was when I learned of that chapter in his varied career that I was able to spot the somewhat peculiar quality of *On the Nickel*: it is a sermon on the purity and indestructibility of the soul, which can be seen shining, gemlike, within even the most deplorable setting. Like most sermons on this and related themes, it hates the sin but loves the sinner, rejoices mightily in his redemption and urges us to be moved by the brotherhood of vagrancy. I can imagine it playing very well in church auditoriums, but how it will fare in its present New York commercial run is another matter.

The Nickel is Los Angeles' name for skid row, a neighborhood of vacant lots, warehouses, arterial roads and church missions. Not many of the natives escape from it alive, but Sam (Donald Moffat) is an exception. He has been on the wagon for eighteen months and living uptown in an empty hotel room, a middle-aged man getting by on a pension, but enduring complete solitude because he has no idea how people occupy themselves when they are not drunk. So, when someone comes by and suggests that C.G. (Ralph Waite), Sam's former buddy in booze, may be dying or dead, Sam dares to visit the Nickel to find out.

He runs into Rose (Penelope Allen), who travels about with two shopping carts full of junk and is C.G.'s longtime companion. Through her he finds his friend. C.G. is in poor shape; indeed, he is fighting off an attack of delirium tremens, but the reunion calls for celebration: wine is bought, the gang gathers and is suffused in a night of warm sentiment and spurious reminiscence. In the morning the cops arrive, an unsympathetic judge hands out perfunctory sentences and C.G. dies in Sam's arms. In a slapstick epilogue, Sam finds a way to dispose of C.G.'s ashes that he believes would have pleased his old friend, and he goes back uptown a liberated man. Free of what and to do what, I wondered, but sermons have a way of sliding over such questions.

Waite and Allen make a disconcertingly handsome pair. They look like two talented members of the Saturday night drama club, who have smudged their faces and rumpled their clothes for the occasion. Their hair is glossy and their teeth gleam, assets you don't often see on skid row. This couple, along with Moffat and a large company representing picturesquely disabled hoboes, mission workers and police, behave like earnest amateurs. And that is not because they know no better but because Waite, despite his long experience on the stage and before the camera, is an amateur writer and director. He has invested a lot of time, money and moral conviction in this venture; he has, I'm told, some personal knowledge of alcoholism, and he spent many weeks among the people of the Nickel before he started shooting. But he is unable to recast this zeal and knowledge into a story of any depth or force. He wants us to acknowledge that there is virtue in the most sodden of winos but, fearing our disgust, won't let us look closely enough to see that this is so. He talks, in an interview about the movie, of C.G.'s sturdy refusal to adjust, as though people became drunkards on principle. He chose a tough subject and gave it a soft treatment. The theme song of *On the Nickel* is "Waltzing Matilda," an exotic, innocent and surpassingly sentimental ballad that is all too appropriate for the film.

Soupçon has been happily received here and *Charles and Lucie* should do as well: they are both outrageously rickety platforms on which attractive couples disport themselves. It is hard to assign degrees of fragility but, of the two scripts, that of *Charles and Lucie* is probably the more gossamer. Daniel Ceccaldi and Ginette Garcin, in the title roles, have mere feathers and bubbles to work with, and for them that is enough. Nelly Kaplan, the director, plays one episode with them in the guise of Nostradama, a fortuneteller and liberated woman. Claude Makovski, the producer, takes a bit part. All in all, a larksome venture.

Charles and Lucie are Parisians clinging to the bottom rung of the middle class. She cleans offices; he is a hypochondriac street vendor of such of his wife's knickknacks as he can filch from under her nose. Long since, they have buried their affection for each other under the burden of survival.

Then one day, out of the blue, they learn that a very remote and very rich American relative has died, leaving them an inheritance of small châteaux and large houses, a bank account in many figures, a Mercedes of low mileage and high power. But, as so often happens with miraculous windfalls, a small sum (relatively speaking) must be paid for legal fees, taxes, etc. before the seal on the cornucopia can be broken. Having nothing else, Charles and Lucie sell the contents of their flat, pay the money and set off for the Midi in the Mercedes. I will spare you the details of their awakening, but very soon Charles and Lucie are on the run.

And on the run they suffer a series of unlikely, ludicrous, but dismaying mishaps which constitute the substance of the film and at the worst moment leave them stark naked in the middle of a large field. How they work themselves up from that unpromising situation, and where the pot of gold is finally discovered, I also prefer that you find out

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for yourself, but it is fair to say that in the process they rediscover each other: connubial bliss, withered by urban drudgery and squalor, revives in the scalawag life of the hedgerows. There is no weight to any of this; the substance resides in Ceccaldi and Garcin, who have the energy, earthiness, agility and priceless sense of timing that were the stock in trade of the music halls and vaudeville houses. *Charles and Lucie* is not great art but it is great fun.

Just days after Alfred Hitchcock died, Don Sharp's *The Thirty-Nine Steps* opened in New York. Hitchcock's classic was made in 1935 and Ralph Thomas reworked the material in 1959, a version I did not see. Probably I would not have gone to this one, except that the coincidence of Hitchcock's death made me somberly curious as to why anyone would want to walk in that particularly celebrated set of footprints.

It turns out that Sharp strays from them quite deliberately. His writer, Michael Robson, has gone back to John Buchan's novel and extracted a script that makes no use of Hitchcock's most famous inventions—the missing joint on the little finger, the unmasking of Mr. Memory, etc. The result is both not half bad and pretty sad. Sharp's picture is boastfully handsome in the current British-thriller style that I've come to think of as the antique vehicle vehicle. It displays as well whole wardrobes of gents' suits and haberdashery, frequently worn as fetching disguises. Hitchcock was spare, almost didactic, as he turned the screw on his viewers' nerves. Sharp is not as severe—nor as funny.

The new film makes more of the alleged German plot to precipitate World War I at a moment when the English would be caught napping, and in that respect it is more faithful to the novel than Hitchcock's version, Buchan being a British patriot to the pitch of jingoism. The overall effect is more varnished and less mysterious, more talkative and less frightening, though, as I remember, Hitchcock's absurdly British enemy agents killed fewer of the intruders on their fell plan.

Robert Powell, David Warner and Karan Dotrice do well enough in their parts, and it would be unfair to compare them with Robert Donat, Godfrey Tearle and Madeleine Carroll, since the new crew did not have Hitchcock egging them on. In fact, the whole comparison is unfair, except that Sharp has asked for it. In short, the present *Thirty-Nine Steps* is not half bad, as thrillers go today, and pretty sad when you remember how Hitchcock made this one go. □

THEATER

HAROLD CLURMAN

Barnum
The Bone/Ubu Roi

The audience at the final preview of *Barnum* (St. James Theatre) applauded ecstatically. The *New York Times* reviewer also applauded—with a forceful hand. I take it from the temper of today's theater audiences that the show will be a solid hit. My attention, as I left the performance, was not on my own reaction but was directed toward understanding why the performance evidently provided so much pleasure to the crowd.

We learn little about the play's hero, P.T. Barnum, the famous circus entrepreneur who lived from 1810 to 1891—trading in flimflam and humbug—and whose credo was the indisputable "There's a sucker born every minute." We learn little except that, as played by the English actor Jim Dale, Barnum had irrepressible energy. Dale cavorts with unflagging, almost breathless, brio. He leaps about and walks, singing, on a tightrope. His charm consists of tirelessness. He is himself a circus.

Despite his total absorption in gimmicks, Barnum's wife loves him. He appears to have had an affair with Jenny Lind, the comely "Swedish Nightingale" he brought to America, but it causes no special heartache to anyone. His wife returns to him, but there is no drama in their reconciliation. The show goes on. There is no real story in Mark Bramble's book, and much of Michael Stewart's lyrics are inaudible (despite the mikes) and, when you *can* hear them, undistinguished.

What then? David Mitchell's background is laden with variously hued red hangings arranged to lend a glow to the entire event. They proclaim the flash of show business. Ropes are appended to the flies from which clowns and tumblers descend. These jesters are supposed to be accomplishing prodigious feats but, actually, their acrobatics are quite ordinary. Musical instruments (pianos, etc.) are played at random without brilliance, though with great cacophony. The rear of the stage, covered by a semitransparent curtain (also red), is inhabited by a row of musicians tooting all manner of brass instruments. These supply the elements of Cy Coleman's score, in which I found more sound than music. But the dim lights that shine over the band bathe it in a glamorizing aura of stage magic.

We cannot see any of this in detail. What we gather and sense, rather than perceive, is ceaseless, ubiquitous hubbub. There are musicians in the stage boxes. There are circus performers chasing down the aisles and balancing themselves precariously on the backs of spectators' seats. Pieces of colored cardboard fly like kites into the audience; the eye and the ear are always engaged, sometimes dazzled. *Barnum* has some ingenious tricks up its sleeve: the best is the jumbo elephant that ambles across the stage in a contraption very much like a toy for rich children.

There is no chorus (only fifteen players are engaged), but the show is replete with technical wizardry: light effects galore, bustle and blare and, forever and everywhere, the ageless leading man of dervishlike whirlings. Must we be gratified by his astonishing agility?

As Mrs. Barnum, who is ever tolerant of her impossible husband's shenanigans, Glenn Close sings clearly and sympathetically. She wears handsome gowns by Theoni Aldredge. Marianne Tatum as Jenny Lind has a pleasantly full-bodied figure, and she sings acceptably. Leonard John Crofoot, as Tom Thumb (another of Barnum's wonders), prances agreeably between men on stilts, which makes him appear tiny.

In fine, this is a Barnum show without Barnum, an echo of the circus world without a circus. It has a gloss of gaiety but no inner life. It is pure professional and industrial skill: Yes, there *is* a sucker born every minute.

The International Center of Theatrical Research, which Peter Brook established in Paris in 1970, is now giving a demonstration of some of its accomplishments at La MaMa, E.T.C. on East 4th Street. There are three different "bills" in La MaMa's repertory through June 15. I saw the first one, consisting of two items: *The Bone,* a short sketch based on an African folk story, and Alfred Jarry's renowned *Ubu Roi* (in French). They are at the very least thoroughly entertaining. □

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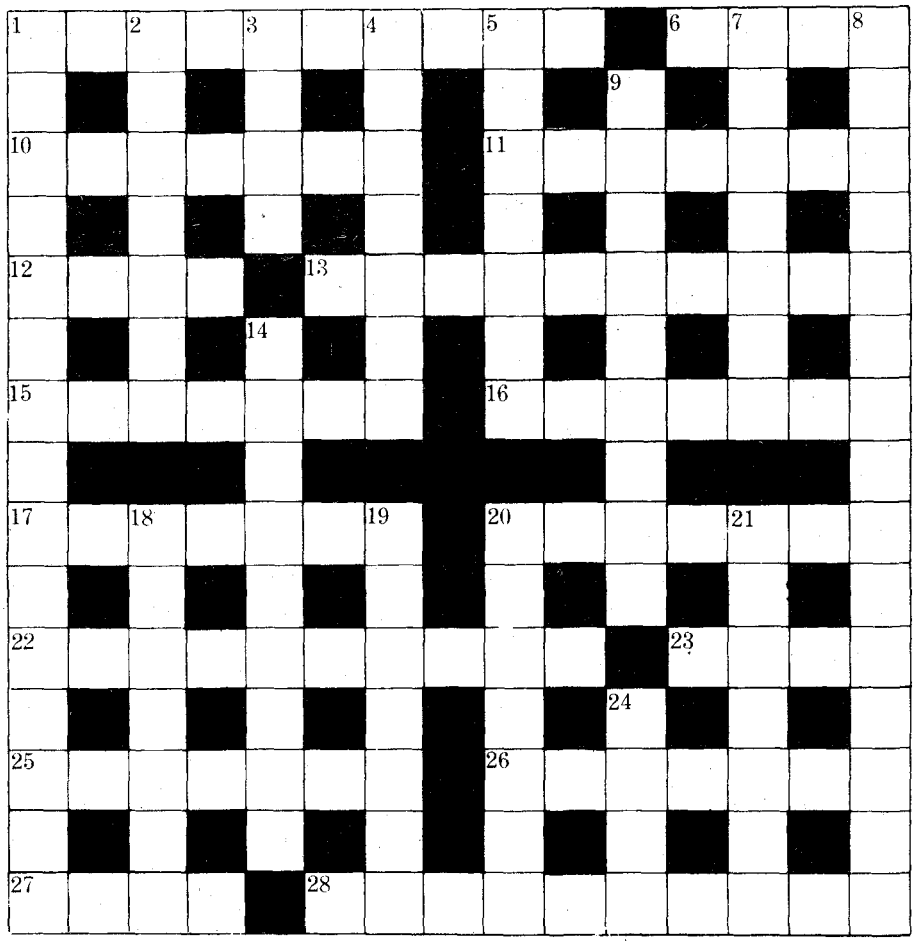

ACROSS

1 One of Cupid's weapons, that is, the fine sort put on the head of a king, and carried by the frontiersman. (5,5)
6 and 1 down Go through the newspaper while crossing from Grand Central to Times Square—and get more information than appears there. (4,7,3,5)
10 and 11 Evidently not a period of bad times. (3,4,3,4)
12 Some like to eat them made from an endless 25. (4)
13 This sort of trap is said to be set in the house, possibly. (10)
15 Reputedly invaders, alternatively a person going from pole to pole. (7)
16 and 24 down One might, after a lot of attention, put up with a kidding if divided differently. (5,2,4)
17 Firmly positioned with a callous and unfeeling social group. (4-3)
20 Is the scoundrel a pseudo displayer of backsliding? (7)
22 It's a commonly insane reason for something to move the coach! (10)
23 Something to sit on is not quite so far. (4)
25 Well-known points in California. (7)
26 His wail is heard in Africa. (7)
27 Has what sounds like a pain, possibly around the middle. (4)
28 Busy oneself with a little, given to interfering. (10)

DOWN

1 See 6 across
2 One might commonly be a dealer, but probably only rides along. (7)
3 Another name for the god with the head of 1 across. (4)
4 If you see them at all, they're barely visible. (7)
5 Coins at one time from England, Netherlands or Italy. (7)
7 How Satan sat in *Paradise Lost*. (7)
8 Unless you live nearby, that "cousin in Milwaukee"? (7,8)
9 It's excellent to have the admiral be only slightly confused, at last! (9)
14 A copy of a camel is, if made so. (9)
18 Do they pay off with good returns at court? (7)
19 Some season! (2,5)
20 Holding device in association with the far left is perhaps changed in editing. (7)
21 A conditional clause is found in a Utah city. (7)
24 See 16 across

SOLUTION TO PUZZLE NO. 1821

ACROSS: 1 Corn on the cob; 9 Titillated; 10 Rows; 11 Hushes up; 12 Lairds; 15 Rostrums; 16 Universe; 19 Plains; 21 Strong; 22 Gardenia; 24 Acne; 25 Transplant; 26 Sadlers Wells.
DOWN: 2 Obituary notice; 3 Neither; 4 Nulls; 5 Hotspur; 6 Cuddles up; 7 Barrier; 8 Two-dimensional; 14 Derogated; 18 Engrave; 23, 13, 17 and 20 Roses are red, violets are blue.

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